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CLASSICAL PHILOLOGY

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VOLUME XVII

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WIT AND HUMOR IN ATHENIAN COURTS

BY ROBERT J. BONNER

Philocleon in the *Wasps*¹ of Aristophanes meets his son's attempts to turn him from "his up-early-false-informing-troublesome-litigious life" to a "life of ease and splendor" with an enthusiastic description of the joys of the dicasts which might be entitled, "This is the life." Of the litigants he says, "Some tell us tales of other times and quote old Aesop's wit, and crack their jokes to make us smile." Now jokes and stories are remarkably scarce in Attic forensic oratory, and one would be inclined to dismiss these statements as gross exaggerations were it not for the serious protest of Demosthenes² against the prevailing practice of distracting attention from serious offenses by a display of wit in the courtroom. "You, O Athenians, acquit men who are plainly proved guilty of the gravest offenses if they merely say one or two witty things, and some fellow-tribesmen, chosen to be their advocates, plead for them. If you do convict anyone you fix the penalty at twenty five drachmas." Demetrius³ also comments on forensic wit:

Some pleasantries—those of the poets—are loftier and more dignified, while others are more commonplace and jocular, resembling banter, as is the case with those of Aristotle and Sophron and Lysias. Such witticisms

¹ 548 ff.

² *Contra Aristocratem* 206.

³ *On Style* 128. Cf. 262. Roberts' translation. Cf. Blass, *Att. Bereds.*, I, 632; Jebb, *Attic Orators*, I, 180.

[CLASSICAL PHILOLOGY XVII, April, 1922]

as "whose teeth could sooner be counted than her fingers" and "as many blows as he deserved to win so many drachmas has he won" differ in no way from jibes, nor are they far removed from buffoonery.

The quotations are from Lysias. Both Aristophanes and Demosthenes are interested witnesses, for it suits the purpose of both to exaggerate, and in estimating the value of Demetrius' testimony in this connection it is well to remember that he cites Xenophon¹ as a humorist.

A survey of the remains of Attic forensic oratory and other appropriate sources yields so little in the way of stories, jests, and humor that the material is easily assembled. Curiously enough the only story extant is credited to Demosthenes himself. On one occasion when he was defending a prisoner on a capital charge he observed that the dicasts were listless and inattentive. Thereupon he said, "Gentlemen, I have an amusing tale to tell you. A man hired an ass to take him from Athens to Megara. The sun became so hot at noon that he dismounted and sat in the shade of the ass. The driver objected. 'Why, man,' cried the traveler, 'did I not hire the ass for the day?' 'Yes, indeed,' replied the driver, 'to carry you but not to shelter you.' Each party insisted on his view and neither would yield. Finally they went to law."² The orator ceased, but the jurymen clamored to know the outcome of the case. "What," said Demosthenes, "are you so interested in a dispute about a donkey's shadow, and yet in a matter of life and death you will not even take the trouble to listen?" Demosthenes is also credited with a bit of effective repartee.³ A thief nicknamed Brass once reproached Demosthenes for keeping late hours and writing speeches by candle light. "I know very well," replied Demosthenes, "that you would rather have all lights out: and do not wonder, Gentlemen, that many robberies are committed, since we have thieves of brass and walls of clay." One might suppose that the great duel between Aeschines and Demosthenes would yield some characteristic bits of Attic humor. But disappointment awaits him. I note one example. It was good form in Athens for a speaker to keep

¹ Jebb, *Attic Orators*, I, 131.

² Scholiast on the *Wasps* 191. Cf. Rogers' note.

³ Plutarch, *Life of Demosthenes*.

his right hand within the folds of his robe. Demosthenes¹ alludes to this custom when, accusing Aeschines of accepting bribes from Philipp of Macedon, he says, "You ought to keep your hand under your robe not when you are on the platform but when you are on an embassy." Scurrilous abuse and vulgar personalities are plentiful, but humor is rare. The struggle was too bitter and the passions aroused too violent. In the oration on the Crown, Demosthenes ends a lengthy tirade with a famous series of antitheses. "You taught reading, I went to school; you performed initiations, I received them; you danced in the chorus, I paid for it; you were an assembly clerk, I was a speaker in the assembly; you acted third-rate rôles, I was in the audience; you broke down, I hissed." This comes as a welcome relief to the detailed personalities that precede, but an angry man cannot be humorous.

That a personal attack can be humorous appears in a passage in Lysias.² The defendant was Aeschines, a former pupil of Socrates. The speaker had lent him a sum of money to embark in business as a distiller of perfumes, "reflecting that he was a disciple of Socrates and was in the habit of discoursing impressively concerning virtue and justice." Many others also were deceived by his fine professions. "I am not the only one," continues the speaker, "whom he has treated in this fashion. Have not the grocers in his neighborhood shut up shop and sued him? His neighbors have been so annoyed by him that even those who own houses have moved into rented quarters elsewhere. His creditors swarm to his house in such numbers from early morning demanding their money that passers-by think a funeral is in progress. The merchants in the Piraeus regard a business transaction with him as more dangerous than a voyage to the Adriatic. For he thinks what he has borrowed is more his own than what he inherited from his father." His propensity for borrowing is well attested by the story that Socrates³ advised him to borrow from himself by cutting down his rations. The attack ends with a scandalous story about Aeschines. The woman in the case is said to be so old that "her teeth are more easily counted than her fingers."

¹ *De Corona* 255.

² Fragment 1.

³ Diogenes Laert. ii. 62.

A few chance witticisms occur. A client of Demosthenes,¹ defendant in a drainage suit, asks plaintively, "What am I to do with the surplus water on my land if I can drain it neither on to the road nor on to my neighbors' land? Will the plaintiff insist that I drink it?" A client of Lysias² on trial for killing his wife's paramour, as the law permitted him to do, remarks with grim humor that if he is convicted of murder an unfortunate precedent will be established and in future housebreakers caught in the act will escape violence by claiming that they are adulterers.

Occasionally an entire passage is permeated with humor. In one of Isaeus' speeches,³ said to have been delivered by Isaeus himself in the interest of a friend, occurs an amusing description of the claimants to the estate of one Nicostratus who died abroad. I quote a few sentences only as the passage is long. "Who did not have his hair cropped in mourning when those two talents came from Ake? Who did not put on black in the hope of inheriting the money by his display of grief? What a crowd of relatives, and sons by testamentary adoption appeared as claimants of the estate of Nicostratus! . . . Ameiniades appeared before the archon with a son of the deceased under three years of age though Nicostratus had not been in Athens for eleven years."

The speech of Lysias⁴ in behalf of a cripple who was in receipt of state aid is unique in that it is pervaded by a "broad humor just stopping short of burlesque." The list of state dependents was revised periodically and any citizen might on these occasions present reasons to the senate why a particular individual ought not to continue to receive the gratuity. The cripple in the case was an old man who kept a small shop where he plied a trade. According to the accuser his place was a favorite resort for a group of undesirable citizens. Evidently the cripple was a more or less privileged character with a sharp tongue. Lysias seeing the humor of the situation hit it off in a most amusing speech which must have gratified the court habitues and the Philocleons in the senate and confounded the unlucky accuser. It is a mixture of serious pleading, ironical

¹ lv. 18.

² i. 36. For other examples see Demos. lv. 4; Lysias vii. 1, 14; xvi. 15.

³ iv. 7.

⁴ xxiv.

pathos, and witty retort. Among the possible motives for the attack on his pittance of an *obol* (three cents) a day he suggests blackmail. "If I were selected to furnish a chorus for a drama—a ridiculous supposition—my opponent would perform the liturgy ten times rather than exchange property once." "Why does he not claim that I am a vigorous person because I handle two canes while others use only one?" The accuser had charged him with being a violent, overbearing, and insolent person referring no doubt to his impudent manners and ready tongue. But the cripple chose to understand him to mean that he bullied people, a manifest absurdity. In answer to the charge that his shop was frequented by disreputable citizens he replies that they are neither better nor worse than the jurors, each of whom has his favorite lounging place among the barbers and bakers and candle-stick makers, a rare piece of impudence. Occasional bits of homely philosophy appear. Old men must be careful. Young men are pardoned for their youthful errors but elderly wrongdoers are condemned alike by old and young. "This trial," he concludes, "is a two-penny half-penny (*obol*) affair. If I get justice I'll be grateful to you and my accuser will learn in future not to attack weaklings but his equals."

The modern reader, familiar with anthologies of court humor, is naturally disappointed with the meager amount of humor found in the speeches of the fellow-citizens of Aristophanes. But in this connection it should be remembered that there are marked differences between Athenian and modern procedure. The main sources of wit and humor in a modern court are the retorts of recalcitrant witnesses in the course of cross-examination and the *obiter dicta* of the judges, both of which were unknown in an Athenian court. At the time of the presentation of the *Wasps* (423) witnesses were questioned but not cross-examined; in the fourth century all testimonial evidence was presented in the form of affidavits. The nearest approach to cross-examination was the interrogation¹ of litigants by each other in open court, a proceeding which may well have afforded a quick-witted man plenty of opportunity for repartee and retort; but such examinations as are recorded are wholly devoid of humor. Indeed these interrogatories were unsuited to professional speeches and

¹ Cf. Socrates' examination of Meletus in the *Apology*.

were soon abandoned by the legal profession. The progress of a cross-examination could not be anticipated by the legal adviser, and a man who could not compose his own speech would not be likely himself to venture upon an interrogation of his opponent. The bulk of the extant speeches were not composed by the men who delivered them but by experts whose professional success depended in some measure upon their ability to adapt their compositions to the characters of their clients. A lawyer who lacked a sense of humor could not compose a witty speech, and a client who lacked it ought not to deliver one. For humor is spontaneous. There is more humor in the professional speeches of Lysias than in those of the other orators just because he above all others sought to portray the character of his clients. If a client displayed a sense of humor it was the merit of Lysias that he tried to reflect it in his speech. Occasionally a whole speech might be permeated with humor, but, as a rule, sarcasm and pleasantries are sporadic. This is natural. It is more than probable that Lysias picked up a number of humorous expressions used by the cripple in discussing his case, and cleverly incorporated them in his speech. The same is true of the man who sued Aeschines. Indeed it is not at all unlikely that the majority of the pleasantries that appear in Lysias' orations originated with his clients. He displays his own sense of humor in seizing upon and employing them skilfully.

In view of the paucity of humor in the professional orations it is clear that we must look elsewhere for the jokes and stories that amused Philocleon and scandalized Demosthenes. This is certain in the case of Aristophanes whose *Wasps* appeared before the advent of the professional speech writer. Demosthenes is evidently referring to comparatively trivial¹ cases as the size of the fine—twenty-five drachmas shows—just the type of case that a man would be most likely to handle himself without incurring the expense of hiring a lawyer. And it is from men who had the assurance to handle their own cases that repartee, jokes, and witticisms are to be expected. Moreover, these are the only litigants who could safely venture to

¹ It is true that Demosthenes describes them as grave (τὰ μέγιστ' ἀδικούντες), but this may be largely rhetorical exaggeration.

"drag up and cross-examine their opponents, setting little legal traps."¹

In this connection it must not be forgotten that a published speech was not a record of all that was said and done in court. Plato represents Socrates as addressing the jury informally for a few minutes after the conclusion of the trial. And Philocleon² says, "If ever Oeagrus (a famous actor) gets into a suit be sure that he'll never get out again until he gives us a speech from his Niobe part, selecting the best and the liveliest one. And if a piper gain his cause he pays us our price for the kindness done by piping a tune with his mouth band on, quick march as out of the court we go." In Antiphon,³ Philocrates went before a court which was to hear a case on the following day brought by the Choreutes, and charged him with murder. The Choreutes at once replied. The whole proceeding was entirely informal for the homicide case had not yet been entered for trial. Philocrates evidently utilized an interval between cases to make his accusation for the purpose of prejudicing the jurors against the Choreutes when he appeared as prosecutor the next day. Such informalities as these may easily have afforded opportunities for jests and stories. How far a published speech differed from the one actually delivered it is impossible to say. At any rate one may doubt that Demosthenes would have included the story of the ass's shadow in a published version of his speech. It would seem then that the professional speech writers made little effort to introduce jests and pleasantries into their compositions. Consequently the jokes and stories that delighted Philocleon and annoyed Demosthenes must have appeared in the interrogatories and speeches composed by the litigants themselves and in the informal exchanges and proceedings permitted in an Athenian court.

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¹ Aristoph. *Acharnians* 687.

² *Choreutes* 21 ff.

³ Aristoph. *Wasps* 579 ff.

VIRGIL AT NAPLES

BY NORMAN W. DEWITT

The precise moment in his career when Virgil gave up his forensic ambitions and retired to Naples can be fixed with some show of probability by means of a combination of the fifth poem of the *Catalepton* with the Introduction of the *Ciris*. From the former it is evident that his departure from the capital is to be ascribed to considerations of a purely personal nature. He is sick of the book-worm tribe, of the dull pedants, of the dandified snobs, and the jangling cymbals of the idle class room. Of any external event or calamity that might have necessitated his retirement against his will or desire there is no hint or mention, wherefrom we may infer that the murder of Julius had not yet taken place, after which, it need hardly be said, the activities of the Forum were of compulsion suspended. Turning now to the *Ciris* we find the poet laboring to complete a poem previously promised to Valerius Messalla and begun before the withdrawal,¹ and from the content of the Introduction we gather that his friend is in Athens. Now Messalla, we know from a letter of Cicero,² was about to start for Athens in March of 45. Consequently we may assume that by the time of the Panathenaic festival in July, which Messalla is supposed to be witnessing, Virgil is settled in his little Cecropian garden.³ In other words, he is studying Epicureanism in the school of Siro.⁴

Virgil did not go alone. It was a migration of friends, a group movement, just as the migration of Messalla and Cicero's son to Athens was a group movement. One hardly needs to adduce proof of the latter fact. It is common knowledge that Brutus two years later repaired to Athens to recruit the ranks of his officers.⁵ It was the natural thing for him to do just as it was the natural thing in the recent war for the belligerent nations to seek in the universities the material out of which the able officer is most quickly manufactured.

¹ *Ciris* 9 and 47.

⁴ *Catalepton* 5.

² *Ad Att.* xii. 32. 2.

⁵ *Plut. Brutus* 24.

³ *Ciris* 3.

In such centers the combination of high spirits and intelligence is sure to be found. At Naples, however, a far different group assembled. Virgil had already done his bit in 49, his health had been broken, and he was no longer fit for service.¹ Of Varius, Tucca, and Quintilius Varus we know less but they were almost certainly of that Epicurean company.² It is possible that the school of Siro migrated in a body. Cicero in the *de Finibus*, writing in this very year of 45, though the fictive date is 50, speaks of a movement among the Epicureans: "What hosts of friends did Epicurus entertain under a single roof, and that a very modest one, and in what marvellous unanimity! This very thing is actually going on today among the Epicureans."³ Can we be sure he is not referring to the school of Siro, who had been busy in the capital for sufficient time to assemble a real colony?

The total amount of information that we possess concerning the sojourn of Virgil at Naples is not very great but it derives from good sources, his own poems, and Probus and Suetonius. From the closing lines of the *Georgics* we know that he was then living in that region and from the use of the word Parthenope we should judge that his residence was situated in the western suburbs of Naples, where the tomb of the Siren was located.⁴ With this is consistent the use of the same word in his epitaph and the reliable data available for the site of the family tomb.⁵ Probus gives us the names of his more prominent friends, Varius, Tucca, and Quintilius Varus. Suetonius gives us the data for discussing with greater certainty the location of his later residence.

His statement runs that the poet preferred to his house at Rome, hard by the gardens of Maecenas, the solitude of Sicily and Campania.⁶ His word for solitude is *secessus* and a consistent usage defines its meaning. The island of Capri was *secessus* to Augustus in his last illness and still more the adjacent islet of Apragopolis, an Epicurean

¹ *Catal.* xiii. 1-4.

² Probus, Diehl, p. 43. "Vixit pluribus annis liberali in otio secutus Epicuri sectam insigni concordia et familiaritate usus Quintili, Tuccae et Vari."

³ i. 20. 65.

⁴ Beloch, *Campanien im Altertum*, p. 77.

⁵ Donat-Sueton., § 36.

⁶ *Ibid.*, § 13.

name that we may render in Latin as *Tranquillopolis*.¹ One may compare the name of the villa of Vedius Pollio on the opposite mainland, the modern Posilipo, Πανσίλυπον, in French, *Sans Souci*. Vedius, however, was an Epicurean of a different stamp. To return to *secessus*, Horace was *in secessu* at his Sabine farm² and Tacitus employs the same term to denote the retirement of Tiberius in Rhodes.³ It plainly conveyed the idea of a quiet and inaccessible retreat, far from the madding crowd, from the turmoils of politics, and the irksome intrusions of curious and uncongenial callers.

It is manifest here that Suetonius, whose keenness for details is joined to a singular neglect of perspective, is speaking of Virgil's later retreat at Sorrento and not to his previous residence in the western suburbs of Naples. The last poem of the *Catalepton*, probably written just before the fatal journey to Greece, contains the lines: "Adsis, O Cytherea; tuos te Caesar Olympo et Surrentini litoris ora vocat." That the peninsula of Sorrento was little exploited as yet by the prying Roman is made plain by the fact that Augustus many years later chose it as a place of exile for his vulgar grandson, Agrippa Postumus,⁴ which incidentally proves that an imperial villa was there located. The relative seclusion of the whole coast on this side of Naples is borne out by other evidence. Cicero found more comfort at Pompeii than at Cumae,⁵ which he declared to possess all natural advantages except solitude. It had become, as a matter of fact, a veritable Atlantic City and at the height of the season was so congested with crowds of pleasure seekers as to be a *Pusilla Roma*.⁶ That Capri, on the other hand, was still a quaint and undeveloped place may be inferred from the fact that Augustus was able to acquire the whole island from the Neapolitans,⁷ and also from the well-known fact that it reached its bloom only under Tiberius.⁸ Combining this information we reach the conclusion that the Romans, in late republican and early Augustan days, had not as yet penetrated to any great extent beyond Naples, and that the vogue of Cumae and Baiae as the Nice and Monte Carlo of antiquity knew no danger of eclipse.

¹ Suet. *Aug.* 98.

² Suet. *Vita Hor.* Roth, p. 298.

³ *An.* i. 4.

⁴ Suet. *Aug.* 65.

⁵ *Ad Att.* ii. 1. 11.

⁶ *Ibid.* v. 2. 2.

⁷ Suet. *Aug.* 92.

⁸ Beloch, p. 282.

Of Sorrento itself we hear little or nothing until a century later when Statius described the elaborate villa of his friend Pollius.¹

That Virgil was the proprietor of an estate at Nola, on the opposite side of Vesuvius from Naples, is to be gleaned from a note of Aulus Gellius,² which tells of a dispute over water rights which resulted in the poet deleting the name of the town from his works. It may be remarked by the way that an ancient feud, as might be expected, existed between the neighboring Nola and Naples,³ and as the poet had been adopted by the Neapolitans under the name of Parthenias, it is possible that he suffered a petty injustice because of this connection. His estate in that region, however, was probably an investment rather than a home and his earlier residence is to be looked for in the suburbs of Naples itself, and that on the Puteoli side. This would have been a very secluded spot in late republican and early Austan days since the Via Puteolana was only put through by the first *princeps* himself, Cocceius having the superintendence of it.⁴ Before this work was completed, including the rock-cut gallery, the only road to Puteoli was the Via Antiniana, starting from near the modern Museum and following the cliff. Indeed, it may have been the unwelcome publicity of the new road that drove Virgil to seek a safer seclusion at Sorrento. Before it was built the modern Chiaia, ancient Plaga, would have been a blind avenue.

Virgil's sojourn in this quarter must have continued with interruptions from his first arrival in 45 down to the moment when he wrote the closing lines of the *Georgics*, and the sight of his tall muscular figure would long have been a familiar sight in the streets and shops of the quaint old city. That they knew him well is evidenced by the soubriquet Parthenias, which had reference to the purity of his life, a novelty, we may well believe, to the Italic Greek. It was doubtless during these years, and very early in these years, that the family acquired a burial plot on what was later called the Via Puteolana. Virgil's father, as we learn from the eighth of the *Catalepton*, when the confiscations began to threaten, was occupying or about to occupy

¹ *Ibid.*, p. 269.

² Gellius vi. 20; Servius to *Geo.* ii. 224 and *Aeneid* vii. 740.

³ Cic. *de Off.* i. 10, 33; Beloch, p. 406.

⁴ Beloch, p. 83.

the villa of Siro. He cannot have long survived that date since the widow married again and bore a half-brother to the poet, the same to whom he bequeathed his estate at death.¹ Starting with the knowledge that the poet was born in 70, it is not difficult to arrive at the foregoing conclusion. It is likely that the ashes of his two full brothers reposed in the same vault and perhaps his mother's also.² Thus we easily understand why Virgil should have been buried here when his residence was at Sorrento on the opposite side of the city.

It is timely to say a word about the use of the name Parthenope in place of Naples. That the memorial of the Siren Parthenope, the tomb of Virgil, and the harbor of Naples were situated close together is manifest from Statius *Silvae* iv. 4. 51 ff.

En egomet somnum et geniale secutus litus, ubi Ausonio se condidit
hospita portu Parthenope, tenues ignavo pollice chordas pulso, Maroneique
sedens in margine templi sumo animum, et magni tumulis adcano magistri.

Now Virgil's tomb was almost two Roman miles from the Porta Puteolana of the new town that was called Neapolis. Thus we are in the suburbs of Virgil's Naples and this is the spot that the poet refers to in the conclusion of the *Georgics*:

Illo Vergilium me tempore dulcis alebat
Parthenope studiis florentem ignobilis oti.

At large the poetical name, we believe, might be taken as synonymous with Naples, but at Naples it signified the old harbor town, which must have been practically abandoned after the city was deprived of its ships under Sulla's régime.³ We can thus understand how Lucullus could acquire the site of the Castel dell'Ovo and likewise how an unambitious Epicurean colony might find in the abandoned and quaint old town a tranquil and undisturbed retreat. Here was probably the villa of Siro and the home of the Virgils.

It would seem as if Naples and the parts to the southward became the home of Epicureanism from this time onward. We have mentioned the names of Apragopolis and Posilipo as suggesting an Epicurean neighborhood. To this may be added the long familiar association of the Epicurean Philodemus with Herculaneum. It is

¹ Donat-Sueton., § 37.

² *Ibid.*, §§ 14 and 37.

³ Appian B.C. i. 89.

possible that the Virgilian fraternity was somewhat closely associated with him since the names of Varius and Quintilius, and possibly Virgil's own, have been deciphered in one of the rolls.¹ Originally the Epicurean school was rather associated with Cumae. Cicero places there the scene of the Epicurean part of the *de Finibus* while Stoicism is discussed at Tusculum, and we happen to learn from Suetonius that a certain Marcus Pompilius Andronicus, like Philodemus, an Epicurean teacher from Syria, had migrated from Rome to Cumae.² In the first century of the Empire, we learn from Statius,³ Naples became the rendezvous of vast numbers of students from various parts of Italy and across the seas. *Docta Neapolis*, Martial calls it.⁴ That this learning was Epicurean in color seems likely from the fact that the atmosphere of the capital during the first two centuries was distinctly Stoic. The two schools seem to have exhibited a tendency to separate as early as 45 B.C. and it may be for this reason that Cicero was moved to write his *de Finibus* in that particular year. He was not lacking in the journalistic sense and the perception of what was timely in controversial matters, as his rhetorical writings prove.

If we are on the right trail a welcome light is thrown upon the origin of the Augustan literary coterie. It would appear that Roman society before the death of Julius began to divide in an unplanned and spontaneous way into three groups. At Naples assembled a pacific, Epicurean company of men who had no desire to embroil themselves in civic dissensions. To Athens repaired the republicans who shortly afterward committed their fortunes to Brutus and Cassius. At Rome remained the ribald circle of Antonius that had begun to gather about him in the two years of Caesar's absence and rallied once more to his side when the fateful Ides replaced the bounty of the state once more in his hands. Antony himself was never destined to return to Rome after Philippi but this permanent absence was never contemplated, and his followers, headed by his brother Lucius and the more dangerous and audacious Fulvia, set

¹ Körte, *Rh. Mus.*, LXV, 172.

² Suet. *Gram.* 8.

³ Beloch, p. 56; Statius *Silv.* v. 162-72.

⁴ *Epig.* v. 78. 14.

on foot a multifarious propaganda that ended only with the fiasco of Perugia in the spring of 40. Thereupon the active Antonians went to Greece or Egypt and left Italy to the Octavian faction.

Virgil, drawn out of his retirement into the maelstrom by the calamity of Mantua, attaches himself to the circles of Pollio, Alfenus Varus, and Cornelius Gallus, plays his part in the literary campaign against the Antonian poets Anser, Bavius, and Maevius, wins himself a new and powerful friend in Maecenas, and definitely joins the Neapolitan group to the cause of the young Caesar. Later he introduces Horace. He is the founder of the literary coterie of the Augustans.

VICTORIA COLLEGE
TORONTO

GREEK ἀμφόδον, OSCAN AMVIANUD, AND THE OSCAN EITUNS-INSRIPTIONS

BY CARL D. BUCK

The vexed question of the true significance of the Oscan *eftuns*-inscriptions (Nos. 14-18 in my *Oscan-Umbrian Grammar*) is reopened by the discovery of a sixth example, published by Della Corte, *Notizie degli scavi*, 1916, 156 ff., and, with fuller restoration and commentary, by Ribezzo, *Rivista indo-greco-italico*, I, 58 ff. The new inscription is longer than any of the others, but nearly half of the first six lines had been destroyed by the cutting of a window through the wall on which it was inscribed. The result is a tantalizing fragment. Ribezzo's restoration and translation are as follows:

1. eksud amv[ianud eftuns]
2. set puz haf[iar trfb. t{uv.
3. fni vfu mef[iu fni tiurr[is
4. nertrak ve[ru urublan[u
5. p[is sent es[sai viai nert[raḱ
6. veru urubla[nu fni tiu[rri
7. mefira faammant
8. L. Pupid. L. Mr. Puril M[.]

*hoc circuitu itinera
sunt ut habeatur aedes publica
et via media et turres
sinistrā portam Urblanam
quae sunt. in ista via, sinistrā
portam Urblanam et turrim
Mefiram, stationem habent (edicunt)
L. Pupid. L. f. et Mr. Puril. Mr. f.*

Ribezzo estimates the number of letters to be supplied much more generously than the first editor, and disproportionately to the number which fill a corresponding space in the extant portion. He justifies this by the assumption that the letters diminished in size toward the end of the line. There is some warrant for this in line 6, where the extant final letters are noticeably smaller, and where the restoration given seems in fact the only possible one. (For the hitherto unknown *veru Urublanu*, cf. *Urblanenses*, *Urbulanenses* in two Latin election notices found in the same neighborhood, *Notizie* 1916, 153; 1919, 239.) But in lines 2-5 the final letters are of average size, and, while owing to variation in the width of different letters and in spacing no exact estimate is infallible, the number of letters supplied by Ribezzo seems excessive and in some cases virtually impossible. In line 4 one may perhaps accept the attractive *ve[ru Urublan]u*, though the

name of some other gate with fewer letters would be easier to manage (Della Corte suggested **Sarnn**ju with a query). In line 3 I should prefer **Meff**iru to Ribezzo's less specific **mef**[iu, assuming with Della Corte that there was a 'via Mefira' as well as a 'turris Mefira. But this makes it the more difficult to accept Ribezzo's restoration of the rest of the line. In line 2 the letter preceding the final **v** was almost certainly not **u**, and the restoration **trfb. tuv.** is unlikely anyway, since **tribud tív.** in my No. 18 must designate a specific building and one in quite a different locality. In line 5 Ribezzo's restoration makes a line of twenty-four letters, although the extant first ten (including the mutilated **f**) fill almost precisely one-half the length of the full line. Furthermore, nothing but the vertical stroke is left of the final letter, so that a **k** is only one of several possibilities. However I can only express my doubts of Ribezzo's restoration of lines 2-5, and especially lines 2 and 5, without offering any satisfactory substitute. Whether the verb in line 7 is to be read **faammant** or **faa mant** (with a blotch of paint covering an error in the fourth space, Della Corte) is immaterial. It of course goes with the third singular **faamat** which occurs in four of the five other inscriptions, and for which I now incline to the connection with Lat. *fāma* and the meaning 'command.'

In line 1, where even the final letters are effaced, there is room, if not for **[anud eftuns]**, certainly for **[annud eft.]**, as in my No. 15, and it is as good as certain that the inscription begins with the same three words as all the others of the series. This being so, the following **set** decides the question regarding the form of **eftuns** in favor of the nominative plural. But this leaves the general problem of the purpose of the inscriptions as before. For the translation 'eunto,' though adapted to Nissen's theory, was not a necessary part of it, was not in fact accepted by Nissen, who took **eftuns** as a noun 'iter' or 'itinera.' The Italian editors of the new inscription do not draw from it any new light on the general problem, and Ribezzo's translation 'hoc circuitu itinera sunt' or 'ab hoc ambivio ituri sunt' is in line with the Nissen interpretation. Both reject the theory of Skutsch, *Glotta*, I, 104 ff., and rightly. Neither this nor any other interpretation which rests on the notion that these inscriptions are private advertisements has any plausibility. They are certainly

official notices, and with mention of gates and towers in four of the six, they no doubt have to do with military defence. So far Nissen was right. But I am now convinced that we must definitely abandon his idea that they are directions to the allied soldiery in the Social War as to *how to find their way* to their stations. It may be recalled that Mau, *Röm. Mitt.*, XIV, 105 ff., after rejecting the fanciful suggestions of Degering, accepted Nissen's interpretation, as he says (p. 111), only provisionally and in default of a better, while he fully recognized and concisely stated the very serious difficulties involved in it. These and still other objections were also urged by Skutsch, *Jahresbericht für roman. Phil.*, VI, 432 and *Glotta*, I, 107 ff., and need not be repeated here.

In one particular the latest inscription adds the finishing touch to these objections. According to Nissen's interpretation the **amvianud** in my Nos. 15, 16, had to refer, not to the street upon which they faced, but to the nearest street leading off it. It was strange that No. 15 was not on the corner pillar, but on the one next to the corner. With the discovery of the fifth inscription, my No. 18, the difficulty increased, but was thought not insuperable, since the position was at least not far from the corner of a blind alley which might have run through at the time when the inscription was painted. Now comes the sixth inscription, on the front of the second house from the nearest side street (cf. the topographical sketch, *Notizie*, 1917, p. 248). It is utterly impossible to reconcile the topographical conditions of the various inscriptions with the interpretation of **amvianud** as 'street, alley, detour' or any other indication of direction to be followed. All these topographical difficulties (as well as a stylistic one) vanish if we give up the whole idea of guides for strange soldiery, and recognize mobilization notices telling the citizens of the various sections of the city where they are to mobilize (*not* how they are to get there). "From this quarter the **eituns** (are):".

The comparison of Osc. **amvianud** with Gr. ἀμφοδον is a very old one, and was known to Nissen, who discussed the technical use of the latter but refused to recognize its applicability to the Oscan. Again recently Kretschmer, *Glotta*, X, 159 ff., has cited **amvianud** as probably a semantic loanword from ἀμφοδον, which he says "hat

genau die Bedeutung 'Strassenviertel, Stadtteil, Gasse' od. dgl. die wir für **amvianud** erwarten." Kretschmer does not enter into a discussion of the general problem of the **eftuns**-inscriptions. Nor for **ἄμφοδον** itself does he come to a decision as to the relative priority and frequency of the meanings given. In this regard Crönert's article in the new Passow is unsatisfactory. (Preisigke, *Fachwörter*, cited by Kretschmer, is not accessible to me.) Misleading definitions are still frequently repeated. Hence, before returning to the Osc. **amvianud**, it will not be superfluous to discuss further the history of this word **ἄμφοδον**, which is so rare in writers of the classical period and so common later.

Kretschmer remarks that the semantic development is rather peculiar and not wholly clear: "es fragt sich nämlich, ob **ἄμφοδον** eigentlich = τὸ ἀμφ' ὁδοῦ 'die Häuser zu beiden Seiten einer Strasse' (Planta II, 77) oder, wie die antiken Erklärungen ἡ ὥσπερ ἐκ τετραγώνων διαγεγραμμένη ὁδὸς und τετράρρυμον ἄμφοδον (Crönert a. a. O.) annehmen lassen, 'die um ein Strassenviertel laufenden Strassen' bedeutete. Aus der Glosse C. Gloss. lat. III, 105, 18 *Compitum ἄμφοδον* ergibt sich noch eine weitere Bedeutung 'Kreuzweg' Sicher ist aber, dass das Wort im Sinne von Stadtteil, der mehrere Gassen einschliesst, aber auch einer einzelnen Strasse verwendet wird." Of the alternative interpretations it is the second which is commonly adopted in our lexicons. But wrongly. From the point of view of grammatical analysis we have the choice between a prepositional-phrase compound,¹ 'that which is on both sides of the street,' and a possessive compound of the *ἐνθεος* type, 'that which has a street on both sides.' But the latter is not an apt expression for 'that which has a street on four sides,' and furthermore the natural unit is not the 'square' or 'block' of modern cities, but the complex of houses facing a street and forming a court which may readily be closed at each end.² Such was the primary meaning of **ἄμφοδον**, not 'street'

¹ I adopt this concise term from Smyth's Greek Grammar § 643, and in return point out that his first example, "*ἀποικος* colonist (*ἀπ' οἴκου* away from home)" were better omitted, since *ἀποικος* is equally intelligible as a possessive compound ("one who has his home away") and should be so taken in view of *μέτοικος* and *ἐνοικος* which must be possessive compounds.

² Cf. the description of Cairo streets in the early nineteenth century in Lane's *Manners and Customs of the Modern Egyptians*, p. 7, quoted by Nissen, *Pomp. Studien*, p. 506. "To the right and left of the great thoroughfares are the bystreets and quar-

as a passage, but a 'street of houses.' From this it was extended to apply to a group of such streets forming a 'quarter'¹ as described by Lane, *loc. cit.*

It is in this sense, corresponding to Lat. *vicus* in its technical use, that *ἄμφοδον* is used by the lexicographers and scholiasts, e.g. Pollux IX. 35, 36, Schol. Aristoph. *Lys.* 5; likewise in many passages of late writers, e.g. (Galen) *ἐνὸς ἄμφοδῶν τῶν ἐν Ῥώμῃ πλείονας οὐχ εἶχον οἰκήτορας*, said of towns that had no more inhabitants than a single quarter (*vicus*) of Rome, or (*Chron. Pasch.*) *ἐμέρισεν τὴν πόλιν εἰς ἑπτὰ ἄμφοδα καὶ ἔστησεν ἀνθρώπους ἰδίους ἀμφοδάρχας*. Philo Byz. 92, 93 describes the proper defense of the *ἄμφοδα* and the duties of the *ἀμφοδάρχαι* (the Roman *vici magistri*), while Aeneas Tacticus uses the terms *ῥύμαι*, *ῥυμάρχαι*.

The material has been greatly augmented by the papyri publications, nearly every volume of which contains numerous examples of the word. For a time it was thought that the meaning here was 'street,' and the statement of Wilcken, *Gr. Ostraka*, I, 432, "*τὸ ἄμφοδον* ist die in Aegypten übliche Bezeichnung der Strasse" was repeated for more than a decade after it was shown to be erroneous. The actual use in the papyri is the same as that in the authors quoted above. Cf. *Ox. Pap.*, II (1899), 189: "It is clear that *ἄμφοδον* and *λαύρα* are coextensive. They denote an area larger than that of a street with the houses fronting on it (the term for which is *ῥύμη*; cf. *O.P.*, I. XCIX. 7), but somewhat less than that implied by 'quarter.' Oxyrhynchus had at least 14 *ἄμφοδα* and Arsinoe still more." So also now Wilcken, *Grundzüge und Chrestomathie der Papyruskunde*, I (1912), 40: "Die Städte waren meist in *ἄμφοδα* genannte Stadtquartieren geteilt, die unter *ἀμφοδάρχαι* und *ἀμφοδογραμματεῖς* standen."

In the few inscriptional occurrences the meaning of *ἄμφοδον* is again the same, though it has been taken otherwise. So certainly

ters. Most of the bystreets are thoroughfares and have large wooden gates at each end, closed at night and kept by a porter within, who opens to any person requiring to be admitted. The quarters mostly consist of several narrow lanes, having but one general entrance, which is also closed at night, but several have a bystreet passing through them."

¹ Although 'quarter' now usually connotes a more extensive section, and 'precinct' in its current municipal application would in some ways answer better, the term will be retained in the following.

ἄμφοδα τὸ Σαμοθράικον καὶ τὸ ἐχόμενον ἕως τοῦ ποτάμου in the inscription discussed by Wilhelm, *Beiträge*, pp. 183 ff., although, misled by the earlier statement of Wilcken quoted above, he translates "die Samothrakische Strasse." So also, I believe, in the Pergamenian ἀστυνόμων νόμος, *Ditt. Or.* 483. 80. Kolbe, *Att. Mitt.*, XXVII (1902), 62 ff., after quoting some of the literary examples of ἄμφοδον in the sense of 'Stadtbezirk,' adds: "Anders in Pergamum. Hier ist ἄμφοδον nur die Strasse, wie sich aus dem Passus τῶν κοινῇ ἀνακαθαρθέντων ἀμφοδῶν deutlich ergibt. Mit dieser Bedeutung steht der Gebrauch von ἄμφοδον in den ägyptischen Papyri im Einklang." Here too the error embodied in the last sentence has prejudiced judgment of the inscriptional use of the word. In this case, to be sure, the context seems at first sight to require the meaning 'street.' For the first two columns (lines 1-90) of the inscription deal with the care of the streets, and even in the same passage we have a reference to street-cleaning in τῆς ἐκδόσεως τῶν κοπρίων. But when we read in lines 29, 30 παρεχέτωσαν δὲ καθαρὸν καὶ πορευσίμους τὰς ὁδοὺς, and in line 51 εἰς τὴν ἀνακάθαρσιν τῶν ὁδῶν, why do we not here too have simply τῶν κοινῇ ἀνακαθαρθέντων ὁδῶν? Because in this passage which follows the caption Πράξεις or 'Enforcement of Payment,' it was appropriate to use the more comprehensive term and to speak of the organized quarters that are kept clean from common funds and whose ἀμφοδάρχαι are to insure the collection of the funds. With this understanding of ἄμφοδον, the whole passage gains in clearness: Πράξεις· ἐάν τινες μὴ ἀποδίδωσιν τῶν κοινῇ ἀνακαθαρθέντων ἀμφοδῶν τὸ γεινόμενον μέρος τῆς ἐκδόσεως τῶν κοπρίων καὶ τῶν ἐπιτιμῶν, λαμβανέτωσαν αὐτῶν οἱ ἀμφοδάρχαι ἐνέχυρα.

The Smyrna inscription, *Ditt. Syll.*³ 961, τοὺς ἐν τῷ ἀνφῶδῳ τετάχθαι ἀπὸ τοῦ πύργου τοῦ τῆς Ἀγαθῆς Τύχης ἕως τοῦ τῆς Εὐετηρίας was correctly rendered by the first editor, Perrot, *Rev. arch.*, 1876, 41 ff., "que les hommes du quartier se rangent depuis la tour de la Bonne Fortune jusqu' à celle de l' Heureuse Année."¹

¹ There can be no question that this technical use of ἄμφοδον in the sense of 'quarter' was the common use in Hellenistic times, as attested by the lexicographers and other writers, by the papyri, and by the inscriptions. This is not to deny that the word might also be used in an untechnical sense of a single street of houses or open space. Either 'street' or 'quarter' will suit equally well for ἐφευγε διὰ τῶν ἀμφοδῶν, *Babr.* 153, τὴν οἰκίαν . . . καὶ τὸ ἄμφοδον, *Hyperides ap. Pollux IX.* 36, οὐ

The striking parallelism between the Smyrna inscription just quoted and the Oscan *eituns*-inscriptions, one which Nissen refused to recognize fully, is no longer to be resisted. *amvianud* has the same technical meaning as ἀμφοδὸν, and may very well be a semantic loanword, as Kretschmer suggested. In form it is likewise a prepositional-phrase compound, only with an added suffix *-āna-* as in Lat. *suburbānus*, *circummurānus*, etc. (for the type cf. Gr. ἐπιθαλάσσιος).¹ *eituns*, as if Lat. **itōnēs*, may be formally explained

θύρα, ἀλλ' ἀμφοδὸν διέβησται, Polyb. XXXIX. 3; and either sense might underlie the compounds ἀνταμφοδέω Berl. *Urkunden* IV, 31, and διαμφοδέω, Eust. 789. 50, meaning 'miss ones way.' The fragment quoted from Aristophanes (Pollux IX. 36, *E.M.*), "Ἀμφοδὸν ἔχρην αὐτῷ θεῖσθαι τοῖνομα, is an etymological play which shows nothing as to the actual use of the word. This and the fragment from Hyperides comprise the only occurrences of ἀμφοδὸν that are quotable from authors of the classical period.

The meaning 'crossroad,' for which the glosses *compitum*, ἀμφοδὸν, or conversely ἀμφοδὸν, *compitum* (CGL. II. 105. 18; III. 306. 39) are cited, is not, so far as I know, otherwise attested. One must reckon with the possibility that the comparison of the two words rests on their common suggestion of open space in the town, rather than on any actual use of ἀμφοδὸν in the literal sense of 'crossroad.'

The following has been kindly supplied by my colleague, Professor Case.

[*The Use of ἀμφοδὸν in the Septuagint and the New Testament.*—The Septuagint equivalent of the Hebrew for "street," that is, open space within the town (רָחֹק, ἡσ; רָחֹק, רַחֵב), is commonly πλατεῖα, less frequently δὸς or ἑσδος, rarely ῥύμη, never ἀγιά. Ἀμφοδὸν occurs only twice in the Septuagint (Jer. 17:27; 30:16 [49:27, Heb.]), but not for "street." It translates a Hebrew word (אֶרְמוֹן, 'armon), rendered somewhat loosely in English as "palaces." Its more exact meaning however is citadel, or fortified quarter, the reference being to a section of the city rather than to specific buildings. Since the king's lodgings were the most conspicuous part of the fortified quarter, "palaces" may be a legitimate synecdoche, but as a rule the Greek translators adhered more closely to the original meaning by rendering the Hebrew word, which is of frequent occurrence and often in the plural, θεμέλια. In the two exceptional passages of Jeremiah cited above, ἀμφοδὸν apparently is used in a kindred sense, of that "quarter," or fortified section of the city, in which the king resided. In Symmachus' Greek version of the Old Testament, produced near the end of the second century A.D., ἀμφοδὸν appears more frequently (ten times) and always with the meaning "streets" (plural), i.e. open spaces (Hebrew רָחֹק, ἡσ). The only occurrence of ἀμφοδὸν in the New Testament is Mark 11:4, πρὸς θύραν ἔξω ἐπὶ τοῦ ἀμφοδὸν, which probably should be rendered "outside at the gate to the open space." (Cf. Klostermann-Gressmann, *Markus*, p. 94, am Tor draussen auf dem freien Platz; also J. Weiss, *Die Schriften* usw., I, 176, draussen an der Tür auf dem Hof.) An addition to the *δ*-text (fifth or sixth century A.D.) of Acts 19:28 represents the mob at Ephesus as δραμόντες εἰς τὸ ἀμφοδὸν, where ἀμφοδὸν seemingly is understood to mean an open space suitable for the gathering of a crowd rather than "street" in the more restricted sense.—S. J. CASE.]

¹ Derivation from **amviandum*, which I had only very doubtfully suggested (*Osc.-Umr. Gram.*, p. 187) and which Kretschmer, *Glotta* X. 160, rightly calls an "unwahrscheinliche Grundform," is of course, with the rejection of the meaning 'circuitus,' not to be thought of further.

in various ways—as based upon a verbal noun, either **eit-* or **ei-to-* ‘going,’ or upon the iterative stem seen in Umbr. *elaians* ‘itent’ (cf. Lat. *errō*, *-ōnis* beside *errāre*). As regards its use, the majority of Latin and Greek nouns of this type denote persons, so that one has thought of ‘goers, patrols.’ But originally the *n*-stems were nouns of action (cf. Brugmann, *Grd.* II. 1. 295) and some have remained such, as Lat. *compāgō*, *aspergō*, Gr. ἀγών, etc. So *eftuns* may mean literally ‘goings’ and have come to be a technical word for ‘mobilization,” with the notion of action and place like Gr. ἀγών.

“From this quarter the mobilization” is then the uniform opening of all six inscriptions, followed in each case by the designation of where this is to take place. The Greek writers on the tactics of the defense of cities prescribe mobilization at points on the wall and at the ἀγορά, θέατρον and other public places. In my Nos. 14–16 the positions are indicated by the gates and towers of the wall. In No. 17, which is near the unwallled southwest side of the town (“Here, where the slope was steepest and the city best defended by nature, the wall had been removed and its place occupied by houses, at a comparatively early date, probably in the second century B.C.” Mau-Kelsey, p. 237), the mobilization is to take place at a point between two private houses (the location of which was of course familiar to those of the same precinct; the well-known difficulty under Nissen’s interpretation disappears). In No. 18 they are to mobilize about certain public buildings. In the new inscription, positions on the walls are indicated, but here we have the unique feature of an *ut*-clause (*puz haf--*), apparently a clause of purpose after the verbal notion of *eftuns*, “from this quarter the mobilization is for the purpose of holding(?)” Only such difficulties remain as are due to the uncertainty of the restorations.

A PROPHECY OF CAESAR'S MURDER

(Suetonius *Iulius* 81. 1)

BY MONROE E. DEUTSCH

Among the various portents and prophecies of Julius Caesar's murder alluded to in our sources is the following tale told in the lost account of Cornelius Balbus,¹ and preserved for us in Suetonius *Iulius* 81. 1; no other author (with one possible exception²) mentions it even indirectly:

Paucos ante menses, cum in colonia Capua deducti lege Iulia coloni ad extruendas villas vetustissima sepulera disicerent idque eo studiosius facerent, quod aliquantum vasculorum operis antiqui scrutantes reperiabant,³ tabula aenea in monumento, in quo dicebatur Capys conditor Capuae sepultus, inventa est conscripta litteris verbisque Graecis hac sententia: *quandoque ossa Capyis detecta essent, fore ut illo prognatus manu consanguineorum necaretur magnisque mox Italiae cladibus vindicaretur*. Cuius rei, ne quis fabulosam aut commenticiam putet, auctor est Cornelius Balbus, familiarissimus Caesaris.⁴

The inscription itself is wholly clear, save for one point. Rolfe⁵ thus translates the sentence: "Whenever the bones of Capys shall be moved, it will come to pass that a descendant of his shall be slain at the hands of his kindred, and presently avenged at heavy cost to Italy."⁶

A difficulty at once appears: In what way is it possible to speak of Julius Caesar as a descendant of Capys, the Capys who was reputed to be *conditor Capuae*?

¹ Cf. the discussion in Pauly-Wissowa, iv. 1268, s.v. *Cornelius*.

² Servius; the passage is discussed at length later in this paper.

³ It is interesting to note that Strabo (viii. 23) tells how the colonists sent by Caesar to Corinth dug open tombs and found many objects both of pottery and of bronze.

⁴ The text is that of Ihm.

⁵ Suetonius (*Loeb Classical Library*).

⁶ In this paper no attempt is made to enter into a discussion of the question whether such an inscription ever existed or whether we have merely a popular tradition which Suetonius found in Balbus. Moreover, the historical existence of a Capys who was reputed to be the founder of Capua does not concern us. We are merely treating the tale as we might deal with a tale in the *Aeneid*, and endeavoring to discuss it from the point of view of those who accepted it.

Four persons named Capys are mentioned:¹ (1) A king of the Dardanians and father of Anchises: Ennius *Ann.* 23e (Mueller); Ovid *Fasti* iv. 34; Silius Italicus xi. 297, 30, 179-80; Servius on *Aen.* i. 273, v. 30, viii. 130, ix. 640; Servius on *Georg.* iii. 35; *Schol. Verg. Bern. Georg.* i. 502, iii. 35. (2) A descendant of Ascanius, who was king of Alb in Latium: Virgil *Aen.* vi. 768; Ovid *Fasti* iv. 45; Ovid *Met.* xiv. 613 f.; Livy i. 3. 8.; Servius on *Aen.* x. 145. (3) A king of Capua: Livy iv. 37. 1 (cf. also Strabo iv. 242). (4) A companion of Aeneas, who is said to have founded Capua: Virgil *Aen.* i. 183, ii. 35, ix. 576, x. 145; Lucan ii. 393; Statius *Silvae* iii. 5. 77; Servius on *Aen.* i. 242, x. 145 (cf. also Silius xiii. 117 and 321).²

Manifestly the first, though clearly an ancestor of Caesar's, was not the founder of Capua in Italy or reputed to be buried there.

The second was a king of Alba and seems to have had no connection with Capua, though in Servius *Aen.* x. 145 it is stated that some thought that the Alban king Capys had founded Capua. Such a practically unknown tale would surely not have formed the basis of the prophecy in Suetonius without special mention.

The third Capys seems to have been neither an ancestor of Caesar nor a Trojan, but a Samnite leader who captured the Etruscan city of Volturnum, later called Capua after his name.

The Capys last mentioned, while frequently referred to as the founder of Capua, is one of Aeneas' *socii* and neither his ancestor nor his descendant.

In connection with this Capys, there is, however, one passage that deserves special attention, since it may seem to some to explain the connection between Caesar and Capys, and it is probably at least in part responsible for the reading *illo*, which, as we shall see later, is an emendation introduced into the text of our author.

The passage appears in Servius' comment on *at Capys* in *Aen.* ii. 35:

non pater Anchisae . . . alii hunc Capyn adfinem Aeneae tradunt, et ideo ei ab Aenea dari recti consilii principatum. hic est qui Capuam

¹ *Capys* in *Thesaurus Linguae Latinae, Supplementum* 2, 177-78.

² See also Roscher, ii. 1. 956-57 (1890-94).

condidit. sed hoc post multa saecula claruit. nam his temporibus, quibus Caesar occidi habuit,¹ Capuae iuvenae aeneae dicitur inscriptum fuisse, isdem temporibus unum de genere conditoris peritum.

The last sentence deserves attention first. It may be translated quite literally: "For in those times in which Caesar was to be killed(?), at Capua there is said to have been an inscription on a brazen bullock(?) that at the same time one of the race of the founder would perish." One of the blood of Capys is to perish at the same time at which some other event occurs. What event? The only other occurrence mentioned is the murder of Caesar; moreover, that these events are to be contemporaneous is made clear by *his temporibus quibus . . . isdem temporibus*. In other words, when Caesar is murdered, one of Capys' descendants will also die.² Now the connection between Capys and Caesar is made clear a few lines above: "Alii hunc Capyn adfinem Aeneae tradunt." Accordingly the descendant of Aeneas (i.e. Caesar) is to perish at the same time as a descendant of Capys (*unum de genere conditoris*). Of course, *adfinitas* between Aeneas and Capys would not at all necessarily cause Capys to be an ancestor of Caesar.³

Indeed we have another passage in Servius (*Aen.* x. 145) in which he states very directly the precise relationship which some thought existed between Aeneas and Capys: "Coeliusque Troianum Capyn condidisse Capuam tradidit eumque Aeneae fuisse sobrinum." If, as Coelius declared, Capys was a cousin of Aeneas on his mother's side and there was no closer connection between the descendants of the two, then it is perfectly clear that a descendant of Aeneas could not possibly have been also a descendant of Capys.⁴

¹ The text may be incorrect. Bergk proposed *occisus est*.

² It may possibly mean (though I do not regard this as at all likely) that the deaths of both were to fall on the same day of the same month. Cf. the interesting passage in Suetonius *Caligula* 57: "Capitolium Capuae Id. Mart. de caelo tactum est, item Romae cella Palatini atriensis. Nec defuerunt qui coniectarent altero ostento periculum a custodibus domino portendi, altero caedem rursus insignem, qualis eodem die facta quondam fuisset."

³ If we accept the statement that Capys was an *adfinis* of Aeneas, still Caesar would not have been a descendant of Capys unless Capys bore some such relationship as the following to Aeneas: father-in-law, son-in-law, husband of the latter's granddaughter or the like. And there is not the shadow of a reason to believe that any one of these was the case.

⁴ Cf. *C.I.L.*, X, 365.

Whether in the story told in Servius *Aen.* ii. 35 we have a garbled version of Suetonius' account, or it is derived from a common source, or it is a story concerning a totally different incident—in any event we have no statement justifying us in believing that Caesar was a descendant of Capys, the founder of Capua.

The descent of Caesar from Capys is nowhere stated; if accordingly the prophecy in Suetonius was based upon such a belief, undoubtedly this relationship would have been made perfectly evident by our author.

We find therefore that not one of the four legendary persons named Capys is clearly described both as an ancestor of Caesar and the reputed founder of Capua. This difficulty with reference to the descent of Caesar from the Capys who is said to have founded Capua makes one turn to the manuscript reading of the sentence.

We then discover that *illo* in the expression *illo prognatus* is found in not a single one of the MSS cited, but was introduced into the text by Turnebus and Bentley, the former declaring he had MS authority for it.

The manuscripts, as given by Ihm, read as follows:

ilio—MHGY.

iulo—LO²SN⁸

iulio—VPO¹ (*sic in R ss. m. rec.*)

iulius—T ζ

The reading *ilio* has clearly superior authority to any of the others. *Iulo* is certainly impossible, and *iulius* not worth considering. *Iulo* causes us difficulty; to be sure, the matter of descent would be simple, since the fact that Iulus is Caesar's ancestor is frequently alluded to (indeed one questions whether the reference to Caesar might not be too obvious for a prophecy), but what particular point would there be in having the prediction of the murder of a descendant of Iulus found in the tomb of Capys? Besides, the fact that a reference so obvious as Caesar's descent from Iulus should have been altered to *ilio* and *iulio* in the best manuscripts, causes a query to arise in our minds.¹

¹ The editions (those at least that I have been able to consult) with very few exceptions read *Iulo prognatus*. Burmann and Ruhnken approve *Ilo prognatus*, and Oudendorp thinks well of it; Voss and the *editio Basiliensis* of 1546 read *Iulio prognatus*. In both of Ihm's editions he accepts the conjecture *illo prognatus*, and in this he is

Accordingly let us look again at the reading *ilio*. Clearly the word is a proper noun, as the corresponding words in the other MS readings are, and the phrase is *Ilio prognatus*. The meaning is obvious, "descendant of Troy" or "Trojan by descent." Caesar was that by common tradition, and we recall that of this descent he made much, so much in fact that he was sneeringly called *Venere prognatus* by Caelius.¹ It might be asked then if this wording does not mean the same as *Iulo prognatus*; it does, but with the greater vagueness appropriate to a prophecy and with emphasis not on the person from whom he was descended, but the place. And this fact, that he is a Trojan by descent, makes the discovery of such an inscription in the tomb of Capys fitting, for Capys too is a Trojan, he is an *Ilio natus*. The *consanguinei* then are *consanguinei* both of Capys and of Caesar in that they also as Romans are Trojans by descent.

That the Romans prided themselves on their blood-tie with Troy needs no proof. Many a verse in the *Aeneid* at once suggests itself. There are of course the familiar verses (i. 19-20):

progeniem sed enim Troiano a sanguine duci
audierat, Tyrias olim quae verteret arces.

And the prophecy in i. 234 f.:

certe hinc Romanos olim volventibus annis,
hinc fore ductores revocato a sanguine Teuceri,
qui mare, qui terras omni dicione tenerent.

And most apposite with reference to the expression *Ilio prognatus* is *Aen.* i. 286:

nascetur pulchra Troianus origine Caesar.

The Romans gloried in this tie,² and so too did the Caesars.

followed by Rolfe and the edition of Westcott and Rankin. The reading *Ilio* is not only found in the manuscripts previously named, but was also independently conjectured by Salmasius. Torrentius in discussing the conjecture *illo* and the reading *Iulo* says: "Verum quid Capys ad Caesarem? aut cur in eius sepulchro de Iuli posteris? quare *Ilio* magis placet."

¹ Cic. *Fam.* viii. 15. 2; cf. also a *Venere orti* in Suet. *Iul.* 49. 3, and Lucan iii. 2. 13.

² Says Tacitus (*Annals* ii. 54): "Igitur adito Ilio quaeque ibi varietate fortunae et nostri origine veneranda," and Livy (xxxvii. 37. 3): "Iliensibus in omni rerum verborumque honore ab se oriundos Romanos praeferentibus et Romanis laetis origine sua." Cf. also Justin xxxi. 8.

It will be recalled that there was even a rumor, mentioned both by Suetonius and Nicolaus of Damascus,¹ that Caesar planned to move the capital of the empire to Troy, *διὰ τὴν παλαιὰν πρὸς τὸ Δαρδανιδῶν γένος συγγένειαν*, as Nicolaus says. Moreover, he elevated Ilium to the status of a *civitas libera et immunis*.²

A question with reference to grammatical usage will at once naturally present itself: Did the Romans speak of a person as the son or descendant of a city or other place?³ Burmann deals with the question by saying: "Rectius homo prognatus viro quam urbe dicitur"; this does not, however, tell us whether such a use is possible, for of course we concede that it will naturally be less common than that wherein descent from a person is mentioned. But Draeger⁴ clearly recognizes such a usage, saying in his discussion of the ablative of source: "Nothwendig auch *ab* bei Angabe des Ortes, aus welchem Jemand herstammt. . . . Bei Städtenamen natürlich auch mit blossen Ablativ."

The following examples of this use wherein origin or descent from a place is mentioned have been noted:⁵

oriundus—Ennius in Prob. on *Georg.* ii. 506; Lucil. 247; Livy i. 20. 3, i. 23. 1, i. 52. 2, viii. 22. 5, xxi. 7. 2, xxiv. 6. 2, xxv. 15. 7, xxvi. 19. 11, xxvii. 30. 9, xxx. 16. 4, xxxii. 15. 8, and xxxiv. 9. 1; *Ard. templi inscr.* in Baehr., *P.L.M.*, VI, 1138; *Scriptores Historiae Augustae*, Carus 5. 3, Pescennius Niger 7. 5, Probus 3. 1, and Severus 1. 1; *Eutropius* viii. 18. 1, ix. 13. 1, ix. 19. 2, x. 4. 1. Cf. also Plautus *Poen.* 1054–55, Livy xxvi. 13. 16, and *Scriptores Historiae Augustae*, Severus 18. 3.

ortus—Varro *L.L.* 5. 20. 101; Nepos Cato 1. 1. 13; Virg. *Aen.* vii. 206–7; Tacitus *Agr.* 4; *Scriptores Historiae Augustae*, Hadrian. 1. 1 and 1. 2; *Carm. Lat. Epigr.* 1252. 1 (in *Anthol. Lat.* ii. 2). Cf.

¹ Suet. *Iul.* 79. 3 and Nic. Dam. 20.

² Strabo xiii. 27 and Lucan ix. 998–99.

³ Cf. Plato *Leg.* iii. 659a: *ποιμένων ὄντων Περσῶν, τραχέας χώρας ἐκγόνων* and Dionys. Hal. 6. 9: *πῶλει τῇ γειναμένη.*

⁴ *Histor. Syntax der latein. Sprache*, I², 518; cf. also Bennett, *Syntax of Early Latin*, p. 290.

⁵ Some of these examples may be believed by others to contain a locative idea rather than one of origin; on the other hand, a considerable number of instances has been omitted wherein it was felt that the idea was perhaps one of place.

also Cic. *In L. Calpurnium Pisonem* fr. 3, Virg. *Aen.* iii. 167 and vii. 240, Hor. *Sat.* ii. 4. 33, Ovid *Her.* 15. 24, and Tacitus *Ann.* 16. 21. 7.

genitus—*Scriptores Historiae Augustae, Alexander Severus* 1. 2, *Aurelianus* 3. 2, *Maximi Duo* 1. 5; *C.I.L.*, XIII, 8371. Cf. Cic. *de Leg.* ii. 2. 5, *de Re Publica* i. 4. 8, *Pro Flacco* 26. 62 (cf. Isoc. *Paneg.* 24–25 <45c>); Val. Max. 5. 3. 5, *Ext.* 2; Suet. *Vita Verg.* 36; Just. xi. 4. 4; *Carm. Lat. Epigr.* 1175. 1, 1276. 1, and 1312. 3.

proditus—Acc. 520.

conceptus—Cic. *N.D.* iii. 23. 59.

satus—Ovid *Met.* 14. 778.

cretus—*Carm. Hyg. fab.* 221, p. 130, 21;¹ Sil. 3. 249.

creatus—Ovid *Met.* 13. 358–59; Manil. 2. 40; Sil. 9. 404; Auson. *Ludus Sept. Sap.* 10. 1. Cf. Cic. *de Leg.* ii. 3, 6, Catull. 36. 11, Sil. 16. 473, Mart. 10. 103. 1–2, *C.I.L.*, VI., 3452.

editus—cf. Ovid *Her.* 7. 59–60 and *Tristia* iv. 10. 5.

natus—Cic. *Pro Sestio* 22. 50; *Scriptores Historiae Augustae, Aurelianus.* 3. 1, *Carm. Lat. Epigr.* 1267. 1. Cf. Ennius *Ann.* 52.

prognatus—cf. Hor. *Sat.* ii. 1. 26.

generatus—Virg. *Aen.* v. 61. Cf. Seneca *Phaedra* 274.

The Virgilian passage illustrating the usage with *generatus*, runs as follows: "Troia generatus Aestes." This is one of the most interesting parallels to the passage in Suetonius, for here we clearly have an ablative of source, using the name of a city, indeed the very same city, and employing no preposition.²

The question may be raised whether Suetonius shows any other example of the use of the name of a city or the like as an ablative of source. It would, to be sure, not be necessary to find one, as this is merely a rendering of an inscription, not an unhampered expression of Suetonius. But we do find the following examples in our author: *Tiberius* 1. 1; "Patricia gens Claudia . . . orta est ex Regillis oppido Sabinorum." *Otho* 1.1: "Maiores Othonis orti sunt oppido Ferentio, familia vetere et honorata atque ex principibus Etruriae."³

¹ Called Ablative of Place in the *Thesaurus*.

² As Sabbadini notes: "Troia qui è personificata."

³ Dalmasso (*La Grammatica di Suetonio Tranquillo*, p. 57) classifies this as an ablative of place.

Clearly therefore the usage whereby a person is spoken of as sprung from a city or other place exists in Latin, being found particularly in poetry and in later Latin, and having indeed two examples in Suetonius. This usage appears, to be sure, most frequently with *ortus* and *oriundus*,¹ but instances have been cited with *genitus*, *satus*, *generatus*, and *natus*.²

If therefore we accept the best MS reading and restore *Ilio prognatus*, we are employing a grammatical usage that has sufficient authority, not only in later Latin, but also in Suetonius himself.

On the other hand, the reading *illo prognatus* decidedly needs support. For then we should have a pronoun used without a preposition in the ablative of source construction. And, as Kühner³ points out, with a pronoun thus employed a preposition is *regularly* used; moreover "nothwendig ist die Präposition *ab* wenn nicht unmittelbar, sondern entferntere Abkunft bezeichnet wird," Draeger points out.⁴

Besides, the only examples I have noted in Suetonius showing the use of the pronoun in this construction, employ the preposition:

Caligula 25. 3: *patrem infantis ex ea natae*.

Claudius 24. 1: *ingenuos ex his procreatos*.

Nero 4: *ex hoc Domitius nascitur*.

Nero 6: *ex se . . . nasci*.

Otho 1. 2: *procreatum ex eo*.

It is, moreover, to be observed that all of these examples deal with direct descent, and that no example has been found wherein Suetonius uses a pronoun in this construction with reference to remote ancestry.

¹ Kühner, *Ausführliche lateinische Grammatik*, II, No. 1 (1914), 377: "Wird mit *ortus* (*oriundus*) die Heimat angegeben, so gelten im allgemeinen dieselben Regeln wie bei Städtenamen."

² Cf. also Catullus 37. 18 *Celtiberiae filius*; Virg. *Aen.* x. 172 *Populonia mater*; Sil. i. 659 *genetricis . . . Troiae*, v. 543 *mater Anagnia*, and xvii. 426-27 *Mantua . . . genetriz*.

³ *Loc. cit.* ii. 1. 376 (Anmerkung 6). Bennett (*Syntax of Early Latin*, p. 292) says: "The preposition *ex* is regularly used with the personal pronouns, as in the classical period."

⁴ *Hist. Syntax der latein. Sprache*, I³, 518.

The emendation *illo*, accordingly, not only involves great difficulty with reference to the question of Caesar's descent from Capys, but also introduces a very irregular grammatical usage, one for which no parallel in Suetonius has been found.

We therefore turn to the reading having the best MS authority, *Ilio*. And with this reading the point in finding the inscription in the tomb of Capys is clear—he, a Trojan, is the source of a prophecy concerning one who is Trojan by descent; the latter's death *manu consanguineorum* will be at the hands of those of his own race, i.e. those also Trojans by blood.¹

And just as Caesar is here called *Ilio prognatus*, so is Romulus termed by Ovid² *Iliades*, and so too is the following prophecy addressed to the Romans in Livy:³ *Annem, Troiugena, fuge Cannam*.

The correct reading is accordingly that having the best manuscript authority, *Ilio prognatus*, the reading approved by Salmasius, Gronovius, and Torrentius, but rejected by all modern editors of Suetonius.

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¹ An interesting passage wherein the Trojans are spoken of as *consanguinei* of the Romans is to be found in Suetonius *Claud.* 25. 4: "si consanguineos suos Ilienses ab omni onere immunes praestitisset." And just before this (*Claud.* 25. 3) we have the expression *Iliensibus quasi Romanae gentis auctoribus*. Of significance too is Dio xlv. 37. 3, wherein Antony says of Caesar: *πρῶτον μὲν τῆς πόλεως ἡμῶν δλης συγγενῆς ἐστιν* (ἐκ γὰρ ὧν οὗτος ἐγεννήθη, πρὸς τούτων ἡμεῖς φκίσθημεν).

² *Amores* iii. 4. 40.

³ xxv. 12. 5.

THE PURPOSE OF THE DECEMVIRAL LEGISLATION

BY JEFFERSON ELMORE

In the Capitoline *Fasti*¹ under the year 303 of the city it is recorded that Appius Claudius and Titus Genucius, the consuls, resigned their office in order that decemvirs might be elected. Directly below on the marble is the statement that in the same year decemvirs were chosen *consulari imperio legibus scribundis*. The next entry shows that there were also decemvirs for the year 304. Assuming the authenticity of the record we have the fact that for two years the Roman government was in the hands of a commission of ten having the highest judicial and administrative authority and charged with a special task relating to the laws.

What was this task? Livy speaks of it as framing the laws,² and as equalizing liberty³ and legal rights for high and low,⁴ the whole being represented as part of the struggle that attended the emergence of the plebeians into greater social and political rights. Dionysius goes more into details. He says in substance that when the kings were in power their decisions were law, but these and the customary legal rules apparently were mostly unwritten. Later when the consuls took over the administration of justice, there were a few written laws, but being kept in the books of the pontiffs they could be known only to the people residing within the walls of the city; farmers and traders coming in on market days had little chance to become acquainted with them.⁵ This gave opportunity for judicial manipulation and was a cause of bitterness between classes. It was proposed, accordingly, that a commission taking into account the information brought from Greece by an embassy that had been already sent thither⁶ should frame laws on all matters both public

¹ CIL. i. 3 16. Cf. Mommsen, *Staatsrecht*, II, 1, pp. 682 f.

² iii. 34. 1: *tum legibus condendis opera dabatur*.

³ iii. 31. 7: *quaeque aequandae libertatis essent sinerent creari*.

⁴ iii. 34. 3: *se . . . omnibus summis infimisque iura aequasse*.

⁵ x. 1. 2-5.

⁶ x. 52. 4; 55. 5. Cf. Livy iii. 31. 8.

and private, and after adoption by the people should set them up in the forum, for the guidance of officials and private citizens.¹ This reform Dionysius, like Livy, attributes to the agitation of the tribunes.

Supplementing the accounts of Livy and Dionysius are the comments of Pomponius, the second-century jurist, which are preserved in the *Digest*.² Pomponius has the idea that there was legislation, *leges latae*, under the kings, but that it was invalidated by the veto of the tribunes in their rise to power in the early republic. The result was that the Romans had to depend on custom (*consuetudo*) rather than on regular legislation. After enduring this for twenty years they established the decemvirate, which brought laws from Greece and established the state on a legal foundation.

On the basis of these accounts modern historians have interpreted the decemviral legislation as the creation of a statute book, a kind of "national code," as Niebuhr called it.³ They have not all the same conception of the process or of the final result, but there is substantial agreement on the main point. It may be summed up in the statement of De Sanctis that in the middle of the fifth century a college of decemvirs gave to the Romans "un codice di legge."⁴

This view has difficulties. If we accept Livy and Dionysius virtually as they stand we are bound for example to take into account the struggle of the plebeians to be represented on the commission of ten which they actually achieved in the second year.⁵ This can only mean that what was contemplated was not a mere reduction of the unwritten to writing nor a mechanical compilation of existing material. It implies that new legislation was intended, whether by selecting certain customs to be validated to the exclusion of others, or by framing additional laws where they were needed. The idea of new legislation is implicit also in the time and care taken by the decemvirs and in the submission of their final report to the centuriate

¹ x. 3. 4; 58. 3-5.

² *Dig.* i. 2. 2.

³ *History of Rome*, I, 315 (English translation).

⁴ *Storia dei Romani* ii. 42.

⁵ Livy iii. 34. 6; Dionysius Hal. x. 57. 3.

assembly.¹ We should have then the conception of a statute book composed of laws and customs which had previously been in force but which are now corrected, amplified, and supplemented by others newly added—"a reorganization," as Karlowa puts it, "of the whole field of law."² But such an idea was not familiar to Livy or Dionysius; I dare almost say it was not familiar to anyone in the ancient world. At all events it is incredible that we should find it in full bloom in the middle of the fifth century B.C.

An alternative course is to take a more critical attitude toward Livy and Dionysius and while rejecting the details of their accounts to believe still in a codification in its simpler form as a written collection of existing law. This is substantially the position of Pais.³ But such a code, simple as the idea seems to us, has to be regarded, as Voight has pointed out, as something unique in the Roman world down to the time of Justinian, the first and only attempt to include all civil and criminal law in a written statute book.⁴

Again, would such a code have been thought of as a remedy for the situation in which the city found itself at the time? It would no doubt have been useful in "equalizing legal rights" (to use Livy's phrase) by preventing judicial discrimination between individuals. But procedure at Rome was as important as the law itself, and the formularies, as is well known, were not published until 304 B.C.⁵ Even the calendar or list of court days did not appear until the same year, when it was made public by Gnaeus Flavius.⁶ The college of the pontiffs, according to Pomponius,⁷ alone knew the forms of procedure and each year selected one of their number to "preside at the trial of civil suits." "For two centuries," says Greenidge,⁸ "the knowledge of the *legis actiones* or forms of procedure was open to the patrician pontiffs alone." So that the man

¹ Cic. *Rep.* ii. 37. 63; Livy iii. 37. 4; iv. 4. 5.

² *Römische Rechtsgeschichte*, pp. 103-4.

³ *Storia Critica di Roma* ii. 293.

⁴ Voight, *Die xii Tafeln*, p. 43.

⁵ Cic. *De Or.* i. 41. 186: *expositis a Gnaeo Flavio primum actionibus*.

⁶ Cic. *Att.* vi. 1. 4.

⁷ *Op. cit.* i. 2. 2.

⁸ *Roman Public Life*, p. 87.

who went into court was still ignorant of vital matters and there was still opportunity for judicial legerdemain.

From the political and social standpoints a code of this kind would have been even more ineffective. With the expulsion of the annual consuls, the plebeians, constituting the mass of the people, were insisting on social and political rights and their leaders were playing an ever greater part in the life of the state. There was an increasing consciousness of a free commonwealth in which all citizens had the right to participate. In spite of these changed conditions and new aspirations there had been no organization (or rather reorganization) of the state as a whole since the abolition of the personal rule of the king. Some important things had been determined by force and were in effect, but there was no framework of public law to hold the community together as an organic whole.¹ In a word Rome was in the anomalous position of having no constitution. It was the realization of this fact in my view that led to the agitation for the decemvirate, and in the decemviral legislation we have the first Roman charter. In taking this great step the Romans did what the Greeks had already done and what they themselves were destined to do in their subsequent practice.

The first question is whether the Twelve Tables as we know them have the character of a municipal constitution. As this instrument of government had already been given definite form by the Greeks and was in constant and familiar use as a part of their political life we have to ask what was included in the Greek conception. The answer seems to be that there was first the notion of a *πολιτεία*, which should exhibit the constituent parts of the state as a political organization and the system of officials by whom the common will was carried into effect. In short it was the method by which the state exercised its sovereignty and which distinguished it as monarchy, oligarchy, or democracy. The second element in the Greek conception was that of *νόμοι*. These were the fundamental laws, organic legislation which put the *πολιτεία* in operation by defining the duties of officials and determining the essential relations of

¹ There was "no sacred and golden cord of Reason," as Plato puts it, "which is called the common law of the state to which we should cling and of which we should never let go."—*Laws* 644 E; cf. Barker, *Greek Political Theory*, p. 302.

the citizens to the government and to one another. A constitution then in the Greek sense would consist of these two parts, a particular πολιτεία and the νόμοι adjusted to it as the mainspring of its action.

The truth of this view, which has not always been recognized, seems evident from statements of both Plato and Aristotle. Plato in the *Laws*¹ affirms it in so many words, saying there are two phases of a constitution, the provision establishing the officials of the government and the νόμοι which govern the conduct of the offices. Aristotle has a similar idea of the two elements, the πολιτεία constituting the type of government. In the *Politics*² he defines it as the organization of the state with respect to the offices, whereas νόμοι are the rules according to which the officials are required to govern and to punish those who offend against the laws. Speaking of lawgivers, he says³ that some of them were the authors of νόμοι only, while others, like Lycurgus and Solon, framed both νόμοι and πολιτεία. In another passage of the *Politics*,⁴ he speaks of Draco as having drawn up νόμοι only, which he adjusted to an already existing πολιτεία. Further passages could be cited showing the contrasted use of these two terms.⁵

The distinction between them is most strikingly illustrated in the titles (as well as in the general character) of Plato's two treatises on the state—the Πολιτεία and the Νόμοι. A great deal has been said about the relation of these two great works, especially that the latter, written in Plato's later years, represents his more sober and conservative view of what the state should be. This may be true and may find expression in various details, but it is not a sufficient account. What is really significant is the fact that the *Laws* contains a scheme of fundamental legislation. It contains much more than this, such as the discussions of education and the history of the state. Some of the subjects dealt with, for example the institution of the twelve censors and the doctrine of the balance of powers,

¹ 675 A.

² 1230, a 15; cf. 1274, b 38, 1278, b 8, 1289, a 15, 1290, a 7.

³ *Ibid.*; 1274, b 15.

⁴ 1274, b 13.

⁵ Cf. *Pol.* 1181, b 14, 1265, a 2, 1270, b 21, 1273, b 33, 1286, a 4, 1289, a 15, 1294, b 39, 1296, b 16, 1309, b 17.

belong strictly speaking to the *πολιτεία*, but essentially the *Laws* is a book of *νόμοι* as Aristotle uses the word, dealing with subjects which are known to have been treated in existing constitutions. Likewise the *Πολιτεία*, which we call the *Republic*, notwithstanding its apparent theme in the search for justice and notwithstanding also its wealth of extraneous matter is in essence the pattern of a state, the parts of which and their adjustment to one another are described with affectionate elaboration. When it was written, Plato had finished only half his task; he must then proceed to the *Laws* in order to complete his view of the state. The two works are thus complements, the one of the other,¹ and exhibit, writ large, the two elements in the Greek idea of a constitution.

This conception has also given shape to Cicero's political writings, *De re publica* and *De legibus*, the first containing a *πολιτεία* and the second, *νόμοι*. These works, which of course draw their inspiration from Plato, in their greater simplicity reflect the Greek idea the more vividly. Cicero, though ostensibly portraying an ideal state, is in reality dealing with an earlier stage of the Roman commonwealth which in its aspect as *πολιτεία* had already been treated by Polybius. Under the same aspect Aristotle had described the government of Athens.

The question now is whether the movement at Rome preceding the year 451 B.C. was a struggle for a constitution of this kind. Was it in the first place an agitation for a *πολιτεία* different from the existing one? The popular leaders, if we may believe Dionysius,² were charged with having such an object, though they denied it expressly. In modern times De Sanctis³ following Niebuhr⁴ has revived this interpretation, but from an opposite point of view. The conservatives, he believes, were so bitterly opposed to the tribesmen that they supported a plan for a commission of ten, which implied the abolition of both consuls and tribunes (as well as of the plebeian assembly), and which was to be in permanent charge of the

¹ Aristotle has virtually this same view in *Pol.* 1264, b 28-40 and 1265, a 1. In the *Republic* Plato settled certain fundamental principles of the constitution, but left specific measures almost wholly to the *Laws*. "In the *Laws* there is hardly anything but laws; not much is said about the constitution."

² x. 3. 2.

⁴ *Geschichte*, II, 348, 366 f.

³ *Op. cit.* ii. 49.

government. This plan, for reasons not necessary to mention, miscarried, but if it had succeeded, it would have been a complete change in the type of government. To adopt this view of De Sanctis would be to disregard the whole municipal tradition in favor of something unprecedented and unique. Commissions dealing with the laws were by their very nature temporary and could be unduly extended only by the fiction that their task was not finished.¹ Undoubtedly there was much dissatisfaction with the tribunes, but in view of their popular character it is doubtful if anyone thought they could be abolished. The form of government had in truth been established by the revolution that expelled the kings. The agitation a half-century later cannot, then, be said to have been directed toward a new *πολιτεία*. That was already an accomplished fact.²

What the Romans were interested in and strove to bring about was the other part of a constitution, that is, the *νόμοι*, a body of legislation appropriate to the changed situation created by the revolution, which would organize the community with respect to the essential rights and duties of its members. The presence of such an idea in Rome in the middle of the fifth century is nothing strange.³ Greek influence was strong there from the beginning of the republic; Greek colonies (e.g. Cumae) with their written charters were not far away, and the fame of the laws of Solon had traveled from distant Athens. It was indeed to consult these *νόμοι* of Solon that the embassy, according to Livy,⁴ was sent to Athens. It is evident, then, that in their form, that is, in their character as fundamental legislation, the Twelve Tables correspond to the *νόμοι* of the Greek constitution.

They also correspond to Greek constitutional practice in being promulgated by a commission. In the earlier days there were individual lawgivers such as Charondas, Zaleucus, Diphilus, Draco, and Solon,⁵ but by the last quarter of the fifth century the commission was established at Athens and elsewhere as the instrument for making organic changes. A history of the political commissions

¹ Mommsen, *op. cit.*, II, 1, p. 696.

² Cf. *ibid.*, p. 683, Ann. 1.

³ Voight, *op. cit.*, pp. 14-15.

⁴ iii. 31. 8.

⁵ Diodorus xii. 12-22.

is given in a recent work in which the author¹ recalls the passage at the end of the third book of Plato's *Laws* where Cleinias, the Cretan, recounts how the government of Cnossus having charge of the sending out of a colony has turned it over to him and nine others. "They desire us," he said, "to give them any laws which we choose, whether taken from the Cretan model or from any other; and they do not mind about their being foreign if they are better." This plan whereby the ten were to make the constitution for the new colony is probably an Athenian usage; at all events changes in the organic law were always normally made on the recommendation of a commission. The commissioners were called *συγγραφεῖς*, and their function was to make a report based on deliberation and investigation.² This was also characteristic of the Roman decemvirs in the accounts of both Livy and Dionysius. They are represented at least in the first year as preparing their work with great care before submitting it to the people. The drafting of the laws as the result of their deliberations is described in Dionysius³ by the phrase *τοὺς νόμους συγγράφειν*, an expression which is regularly used of the reports of the Greek commissions and to which the *leges scribere* in the official title of the Roman commission may be regarded as equivalent.⁴ In the manner then of their promulgation and in the official designation of the commission that produced them the Twelve Tables have the second indication of their constitutional character.

A third indication is that they have resemblance to other *νόμοι*. They should be compared first with what Aristotle says of the *νόμοι* of Solon.⁵ In form these were obscurely drawn and in substance they dealt, among other topics, with debt, with the right to act as defender of another, with the right of appeal to the courts, and with offenses against the state. The Twelve Tables were likewise archaic and obscure.⁶ They dealt with these same subjects and were so far

¹ F. D. Smith, *Athenian Political Commissions*, p. 22.

² *Ibid.*, p. 16.

³ x. 3. 4.

⁴ Diodorus (xii. 23) calls them *νομογράφοι* and says *οὗτοι τοὺς νόμους συνετέλεσαν*.

⁵ *Pol. Ath.* cap. ix.

⁶ This is illustrated by the famous provision, *Tertiis nundinis partis secanto. Si plus minusve secuerunt ne fraude esto*. How contemporary jurists interpreted this we do not know, but the ancient comments we possess take it as referring to the debtor's body, which is almost certainly wrong.

in agreement with the Solonian constitution. They also have elements in common with the Gortynian laws,¹ "the Twelve Tables of Gortyn," as Roby calls them.² These latter are probably about the same date as the decemviral legislation though representing a more advanced civilization.³ They are the work of a lawgiver⁴ and undoubtedly formed part of the constitution of the city. The text, divided into twelve columns, was engraved on stone and set up in public. In form it has the characteristic obscurity that arises from a too meager use of words and the frequent uncertainty as to the subject of the verb.⁵ As to substance the Gortyn charter deals chiefly with matters relating to slaves and family relationships and involves both civil and criminal procedure. The Roman Twelve Tables were no doubt ruder and harsher, as Bücheler points out;⁶ they did not go into so great detail and at the same time covered a much wider range of topics. Nevertheless, it is clear that in form and in the kind of matters dealt with they have a general resemblance to the Cretan charter.

Another significant comparison would be with the four Roman charters of which we have very considerable fragments. In the *lex data* of the Spanish Colonia Genetiva Iulia we actually find incorporated the decemviral law of debt.⁷ It is not to be expected that there will be many such agreements, owing to the change of conditions in the intervening centuries. The later charters, moreover, go much into detail and are expressed with meticulous clearness, and they deal with a larger number of subjects, but in the general character of the matters they take into account there is a fundamental

¹ For the text, translation, and elaborate commentary see Bücheler and Zitelmann, *Der Recht von Gortyn*, *Rhein. Mus.*, XL (1885), *Ergänzungsheft*.

² "The Laws of Gortyn," *Law Quarterly Review*, II (1886), 136. This article contains an account of the inscription and an English translation of the text.

³ Roby, p. 136; Bücheler and Zitelmann, p. 48.

⁴ Cf. the text, ix. 16; xii. 15.

⁵ Bücheler and Zitelmann, p. 53.

⁶ *Op. cit.*, p. 48.

⁷ Bruns, *Fontes*, p. 123 (7th ed.); Girard, *Droit Romain*, pp. 90-91; Hardy, *Three Spanish Charters*, p. 23.

similarity between them and the Twelve Tables. The latter, judging from the fragments, were concerned chiefly with the administration of justice both civil and criminal, with the relation of the father to the family, with guardianship, with marriage, with the acquisition, management, and inheritance of property, with the calendar, and with certain police measures such as forbidding display at funerals and prohibiting burial within the city.¹ It is matters of a similar character which mainly occupy the later charters.

In accord with the imitation of the νόμοι by the Romans in the decemviral legislation is the fact that in their practice they distinguished also the πολιτεία which they called *res publica* or *forma urbis*.² This distinction is implicit in their attitude toward the decemvirate; it becomes explicit when changes of another kind were contemplated. Thus when Sulla assumed the dictatorship in his titles was *dictator rei publicae constituendae* which Appian³ in his history of the civil wars translates as ἐπὶ καταστάσει τῆς πολιτείας.⁴ The authority conferred by this title was the power (subject to formal ratification by the people) to alter the πολιτεία, the very form of the government itself, and by virtue of it Sulla made constitutional changes of the most far-reaching character. The same title was assumed by Julius Caesar, and likewise Octavian, Lepidus, and Antony were constituted as triumvirate by a law which made them *triumviri* with the authority to establish a new constitution. This latter action was to have enormous consequences, since it was by the exercise of his power of *triumvir* that Octavian established the principate, creating at one stroke a new form of government and inaugurating the empire. In these matters the Romans were dealing with the πολιτεία and distinguishing it sharply and clearly from the νόμοι.

¹ Wordsworth, *Early Latin*, p. 513.

² Livy iii. 33. 1.

³ B.C. i. 99: ὅτι αὐτὸν αἰροῦντο δικτάτορα ἐπὶ θέσει νόμων ὧν αὐτὸς ἐφ' ἑαυτοῦ δοκιμάσειε καὶ καταστάσει τῆς πόλεως.

⁴ Mommsen, *op. cit.*, II, 1, p. 682, gives Sulla's title as *dictator legibus scribendis et rei publicae constituendae*. The *legibus scribendis* is based on Appian's ἐπὶ θέσει νόμων; cf. *CIL*. i. 2 27.

So much for the municipal tradition. How now does the conception of the decemviral legislation which it seems to embody fit in with the accounts of the historians? Speaking first of one or two matters of detail, it makes clear how Livy can be right in translating *legibus scribundis* in the official title of the decemviral commission by *legibus condendis*,¹ the purpose of the commission being to "frame" organic laws. It is in this sense of organic law that *leges* and *νόμοι* are usually used by Plato, Aristotle, and Cicero in their historical writings.² Livy is also right in describing the whole decemviral legislation as *corpus Romani iuris*.³ The individual parts were *leges*, but when unified into a system by a common purpose it is properly called a body of legal rights or rules of law.

This hypothesis renders the embassy to Athens and other Greek cities much more intelligible. If the decemvirs were merely working to produce a statute book of existing law and customs, it is hard to see why it was sent at all. To bring back substantive laws for use at Rome would have been foolish procedure, and as a matter of fact only one law of Solon is mentioned by Cicero as being actually adopted.⁴ As Niebuhr remarked, "The laws of Solon did not contain what the Romans wanted."⁵ On the other hand, if the Romans were contemplating a constitution, the sending of the embassy would be a natural and sensible course. Its work would be to ascertain what form municipal charters assumed, what subjects they included, and how they functioned in actual practice, knowledge of the utmost value to the Romans. But the embassy is only one item in the detailed story of Livy and Dionysius, which centers about the great struggle of the plebeians for "equal laws." It is uncertain how much of this is history. Diodorus,⁶ who incorporates the older tradition, knows virtually nothing of it, and in general

¹ iii. 34. 1; cf. xxxiv. 6. 8.

² Zumpt, *Criminalrecht*, I, 339: "In gesammte Alterthume bedeuten Gesetze vorzugsweise Verfassungsgesetze."

³ iii. 34. 7.

⁴ *Leg.* ii. 23. 59.

⁵ *History*, I, 315 (English translation).

⁶ xii. 24-25.

the sources must have been meager, if not non-existent. Moreover, the inclusion in the decenviral legislation of an interdiction against intermarriage between the orders can hardly be regarded as an indication of that compromise between the patricians and plebeians which figures so largely in the accounts. But assuming Livy's story to be history, it can be much more satisfactorily accounted for on the supposition that the struggle was for a new fundamental law before which all men would be equal.

Another part of the historical tradition which finds better explanation is the fact that the court calendar and court procedure were not published until nearly a century and a half after the Tables, when they were made available to the public in 304 by Gnaeus Flavius, the secretary of Appius Claudius. Cicero thought this strange and suggested that the tablet containing these matters had been hidden.¹ This of course is unlikely, and, moreover, the failure of the decenvirs to publish the court procedure is not strange. It would have been strange if the decenvirs had been preparing a statute book for the use of the people appearing in court. In a constitution the provisions are in many cases prohibitions or rules establishing general relations and require no use of procedure. The decenvirs accordingly would feel it no part of their duty to deal with the *legis actiones*. But I think the matter goes deeper. There was no demand for the publication of the *legis actiones* in the whole decenviral agitation. This would seem to indicate that the people were not interested primarily in mere publicity. They wanted chiefly the enactment of proper laws and were willing apparently to trust the officials for their administration or to leave the matter for later consideration.

The conception of the Twelve Tables presented here seems to have been in the mind of Polybius. He does not formulate it, but permits us to infer it from some words of his on a related subject. These occur in a fragment which requires emendation², but accepting

¹ *Att.* vi. 1. 4.

² The fragment as printed by De Sanctis, ii. 41, n. 1, is as follows: *ὅτι ἀπὸ τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα (lacuna: deve supplersi δύο) καὶ τριάκοντα ἔτεσιν ὕστερον ἀπὸ τούτων τῶν καιρῶν αἰετῶν κατὰ μέρος προδευκρινόμενων ἦν (il soggetto è certo τὸ Ῥωμαίων πολίτευμα) καὶ κάλλιστον καὶ τέλειον ἐν τοῖς Ἀννιβιακοῖς καιροῖς.* See E. Meyer, *Rhein. Mus.*, XXXVII (1882), 621 f.

what seems a reasonable correction we find him saying that to one surveying the constitution of Rome from a period beginning thirty-two years after Xerxes' invasion of Greece, it appears most efficient in the time of the war with Hannibal. The interest of this remark lies in the reference to the thirty-two years after Xerxes' invasion which he takes as a starting-point. It gives the date 449 B.C., which is the year in which the decemviral legislation went into effect, so that for Polybius also, if we may trust the text, the Roman constitution begins with the Twelve Tables.¹

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¹ A similar idea was entertained more explicitly by Zumpt, who seems to think, however, that the Romans were discarding an old constitution and making a new one. One cannot be quite sure what Zumpt means precisely by *Verfassung*, but in his brief discussion of the subject he has some exceedingly penetrating remarks. Cf. *op. cit.*, I, 335-39.

NOTES AND DISCUSSIONS

PLAT. *Rep.* vii. 521c: ὥσπερ ἐξ Ἀΐδου λέγονται δὴ τινες εἰς θεοὺς ἀνελθεῖν

What particular persons are in Plato's mind? A number of names have been suggested—Heracles, Polydeuces, Asclepius, Dionysus, Semele, Briareüs—to all of whom Plato's words are in a certain sense applicable; and it is impossible to maintain that he was not thinking of one or all. Especially the ascent of Dionysus and Semele, which is mentioned by Plutarch in the myth of the *De sera num. vind* (566a), would afford a close parallel, if one could be sure that this mythical incident, whose source has not been discovered, was known in the fourth century B.C. In the other cases, the simile, which is intended to illustrate the ascent of the soul from the cave into the light of reality, cannot be taken quite so literally as one could wish (see Schneider's judicious note in his translation of the *Rep.*, p. 304). Furthermore, as Adam remarks, "there is more than a suspicion of satire in δῆ," such as might be employed in alluding to a simple story which only unintelligent and credulous folk would believe.

There is, however, a perfect parallel to the ascent of the soul from the cave which has not yet been observed. In his account of the precinct of Amphiaraus near Oropus, Pausanias (i. 34) says:

ἐστὶ δὲ Ὀρωπίους πηγὴ πλησίον τοῦ ναοῦ, ἣν Ἀμφιαράου καλοῦσιν, οὔτε θύοντες οὐδὲν ἐς αὐτὴν οὔτ' ἐπὶ καθαρσίοις ἢ χέρνιβι χρῆσθαι νομίζοντες. νόσον δὲ ἀκεσθείσης ἀνδρὶ μαντεύματος γενομένου καθίστηκεν ἄργυρον ἀφείναι ἢ χρυσὸν ἐπίσημον ἐς τὴν πηγὴν· ταύτῃ γὰρ ἀνελθεῖν τὸν Ἀμφιαραὸν λέγουσιν ἤδη θεόν.

As the souls of the guardians ascend out of the cave and change from the human into a semblance of the divine, so Amphiaraus, previously a man, confined in the darkness of Hades, emerges into the upper world fully transformed into a god. Not only is the parallel perfect; the chronology also supports the contention that Plato may have had this very myth in mind. There is evidence (summarized by Frazer in his commentary on Pausanias, Vol. V, p. 31) to show that the oracle of Amphiaraus, who received divine honors very early, was transferred to Oropus toward the end of the fifth century B.C. The myth, therefore, whose home was in very close proximity to Athens, may have come into prominence within the lifetime of Plato. The suspicion which Adam once entertained, that the words in the text were "an early satirical adscript by some Pagan scribe on the doctrine of our Lord's descent into Hell and subsequent resurrection and ascent into heaven," seems to be completely allayed by this ancient parallel. For Amphiaraus,

reference may be made to P. Foucart, *Le culte des héros chez les Grecs*, pp. 15 ff.; Welcker, *Griech. Götterlehre*, Vol. III, pp. 294 ff.; Halliday, *Greek Divination*, pp. 116 ff. (on divination at sacred springs); Rohde, *Psyche*, Vol. I, pp. 143 f.

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ILIAD v. 885-87

ἦ τέ κε δηρὸν
αὐτοῦ πῆματ' ἔπασχον ἐν αἰνῆσιν νεκάδεσσιν,
ἦ κε ζῶς ἀμειννὸς ἔα χαλκοῖο τυπῆσιν

If the text here is correct, these lines appear to make Ares say that if he had not escaped by his swift feet, he would now be *dead* or, if *alive*, much weakened by Diomedes' blows. ζῶς ("alive") requires "dead" as its only alternative. It is impossible, however, to interpret ll. 885-86 as equivalent to "I would be dead."

1. Ares was immortal, one of the *ἀθάνατοι*, and his death is inconceivable (see v. 402: οὐ μὲν γάρ τι καταθνήσκος γ' ἐτέτυκτο). It is true that Hephaestus says in i. 593: ὀλίγος δ' ἔτι θυμὸς ἐνῆεν, and Dione declares in v. 388: καὶ νύ κεν ἐνθ' ἀπόλοιτο Ἄρης, but neither passage implies the actual death of a god, both statements being evident exaggerations to make a thrilling story more effective.

2. If Ares were *dead*, would he be suffering agonies? It is true that Tantalus, Sisyphus, and others suffered in the underworld for their sins on earth, but would Ares thus be punished?

3. Or would he suffer a *long time*? Why a long time, and not endlessly?

4. ἐν αἰνῆσιν νεκάδεσσιν cannot be forced to mean "among the dead below." The phrase can only refer to the *horrible piles of corpses* on the battlefield and hence denotes *position* ("among the dead bodies") not state ("one of the dead").

5. αὐτοῦ likewise refers to position on the battlefield and cannot possibly be regarded as denoting location in Hades or Tartarus.

The lines 885-86 can then be translated in only one way: "Truly I would long be suffering agonies there amidst the horrible heaps of dead bodies." What then is the alternative? Surely not "or *alive* I would be weak." He would be *alive* in either case.

Now I find a variant text ἦ κεν ζῶς. This furnishes a clue to the true reading. Without the addition or subtraction of a single letter the line may be thus written:

ἦ κ' ἐν ζῶσι ἀμειννὸς ἔα

We now have perfect sense with scarcely any emendation. The alternative lies in the phrases *ἐν νεκάδεσσιν* and *ἐν ζῶσι*, as well as in the ideas of "suffering agony" and "weakened in strength." *ἐν ζῶσι*, the equivalent of the common *ἐν ὁμίλῳ* (i.e., "in the crowd of living warriors"), is an exact alternative to "among the horrible corpses."

Objection may be made to the form *ζῶσι* in Homer. *ζώντος* is found, but never *ζῶσι*. But can this objection outweigh the strong arguments for its use here? Is not *ζῶς* itself a very rare Homeric form for *ζῶς*? In fact, is not the verb *ζάω* (*ζῶω*) extremely flexible in its various forms and derivatives, and do we know the history of the word and its root sufficiently to reject *ζῶσι* as an impossible Homeric form? If it is an "*ἅπαξ λεγόμενον*," may it not be so simply because Homer never used the dative plural elsewhere? *ζώνουσι* would have been quite as much an *ἅπαξ λεγόμενον*. Moreover, is not *ζῶς* itself an *ἅπαξ λεγόμενον*, even if the accusative *ζών*, for *ζών*, is found?

I know that an attempt to emend Homer at this late date is a very bold and dangerous undertaking, but surely the accepted text lacks meaning, and a mere change in punctuation and accent cannot be considered much of a surgical operation. The poet Bryant, in his translation,

Else might I long have lain
In anguish, under heaps of carcasses,
Or helplessly been mangled by his sword,

renders the first two lines correctly, but in the third line discards *ζῶς* entirely and leaves the alternative vague, for there is little difference between *lying in anguish* and *being helplessly mangled*.

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SIMPLICIUS *de anima* 146. 21

ἀπὸ γὰρ τῆς ἐνεργείας φησὶ Πλάτων τὰς δυνάμεις καὶ τὰς οὐσίας τῶν πραγμάτων γινώσκωμεν. *Quem locum respiciat non video* is Hayduck's comment. The reference is to Rep. 477 C. φήσομεν δυνάμεις εἶναι γένος τι τῶν ὄντων αἷς δὴ καὶ ἡμεῖς δυνάμεθα ἃ δυνάμεθα. Plato's examples are ὄψις and ἀκοή of which Simplicius is speaking, and he goes on to say that while he may define other things by shape and color, δυνάμεις δ' εἰς ἐκεῖνο μόνον βλέπω ἐφ' ᾧ τε ἔστι καὶ ὃ ἀπεργάζεται. The reference to ἀκοή recalls the passage to Simplicius' mind and perhaps quoting from memory, he generalizes its application to τὰς δυνάμεις καὶ τὰς οὐσίας τῶν πραγμάτων. As a neo-Platonist convinced that Plato and Aristotle meant the same thing he does not hesitate to read the Aristotelian ἐνέργεια into Plato's ἃ δυνάμεθα and ὃ ἀπεργάζεται. And I am not sure that he was wrong. He apprehends the essential

meaning of the passage which he thus loosely quotes better than many modern commentators do. Of course Simplicius may also have been thinking of Sophist 247 E *τίθεμαι γὰρ ὅρον* [ὀρίζεω] *τὰ ὄντα ὡς ἔστιν οὐκ ἄλλο τι πλὴν δύναμις.*

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PRORSUS IN GELLIUS

The inadequacy of our lexicons and indexes, except the comparatively few which record every instance of every word, is shown particularly by such words as *prorsus*, which the indexes either leave unmentioned or notice briefly and arbitrarily; unfortunately the same thing is true of many *apparatus critici*. In the preparation of some notes on *prorsus*, published in *T.A.P.A.*, LI, pp. 30 ff., I collected from such sources only five examples in Gellius. A recent reading of the *Noctes Atticae* yielded no less than thirty-seven. In seven cases Gellius is translating from the Greek,¹ but in the one instance where the original is also given *prorsus* has no Greek equivalent (xx. 5. 8, *omnium prosus* = πάντων). In a very free translation, or rather paraphrase, of Plato *σώφρων τελέως*, *Leges*, 647 d., is rendered by *continentem prorsum*, Gell. xv. 2. 6; in two examples from Herodotus *prorsus* has no equivalent in the Greek. Besides the translations, we have quotations twice from Favorinus (ii. 22. 25 and ii. 26. 23), from a grammarian rejoicing in the name of Domitius Insanus (xviii. 7. 3), from Calvisius Taurus (xii. 5. 7), from Fronto (xix. 8. 11), from an anonymous grammarian "primae in docendo celebritatis" (vi. 17. 2), and from the verses of a young friend of Gellius who is described as *οὐκ ἄμυνος* (xix. 11. 4). Only the last of these is a quotation of the written word, so that the others may represent Gellius' own usage. Favorinus, in ii. 26. 23, furnishes what seems to be a unique example of *prorsus* modifying an adverb in the superlative degree,² which perhaps indicates that Gellius quoted him accurately.

All the various forms of the word seem to occur in Gellius, who has *prosum* once (ix. 4. 6),³ *prosus* five times: ii. 8. 7 (*prorsus erat*, VPRs; *prosumserat*, A, indicating a variant reading *prosum* and *prosus*; *erat prorsus*, s); ii. 22. 25 (cod. R); iv. 13. 4 (V: *prorsus*, PR); x. 3. 10 (cod. X); xx. 5. 8 (*prorsus*, QXOH); *prosum* nine times: Praef. 9; ii. 12. 4; v. 5. 6; v. 9. 3; xi. 5. 7 (*prorsus*, II); xv. 2. 6; xvi. 3. 1 (*prorsus*, Y); xviii. 2. 1 (‡ *sum*, Z; *prorsus*, X); xix. 11. 4 (*prosum*, X pr.; ‡ *rl*, Macr. P.) the last, as has been said, in a quotation, and *prorsus* twenty-two times.

¹ v. 9. 3 (Hdt. i. 85); xvi. 19. 17 (Hdt. i. 24); v. 14. 15 (Apion *Aegyptiaca*); vii. 1. 2 (Chrysippus, Περὶ Πρωτοίας); ix. 4. 6 (see below); xiii. 4. 2 (a letter of Olympias, mother of Alexander); xx. 5. 8 (a letter of Alexander).

² Quoted below. August. *Solil.* 1. 10, "prorsus mihi unus Ciceronis liber facillime persuasit nullo modo petendas esse divitias," does not seem to be parallel.

³ The reading, a conjecture of Hagen's, is uncertain, but fairly probable; it is accepted both by Hertz and by Hosius; codex δ has "pros (profi) um (petet anti) spectantia." The passage is quoted below.

The original meaning of the word, "forward, straight ahead, onward" (I, 1),¹ appears in ix. 4. 6, "vestigia pedum habentes retro porrecta, non prorsus spectantia," and in ii. 30. 4, "undas faciunt (sc. venti a septentrionibus) non prorsus impulsas sed imitus commotus." The figurative use (I, 2) does not seem to occur.

The meaning "straight, straightway" (II, 1) is found in xvi. 19. 17, "tum Arionem prorsus ex eo loco Corinthum petivisse," and the temporal use (II, 2) in v. 9. 3, "adulescens loqui prorsus deinceps inceptit."

The intensive use of *prorsus* is always the most common one, and of this Gellius has twenty-six examples. *Prorsus* modifies a verb (III, 1) in x. 3. 10, "ut non narrari quae gesta sunt, sed rem geri prorsus videas." With adjectives (III, 2) there are fifteen examples.² No instances occur of the rare comparative (Just. v. 7. 11) or superlative (Juv. 6. 249, Apul. Flor. 16). Modifying an adverb (III, 3) we have xviii. 2. 1, "Saturnalia Athenis agitabamus hilare prorsus ac modeste," ii. 26. 23, "sed cum sit flavus color e viridi et albo mixtus, pulcherrime prorsus virentis maris 'flabom marmor' appellavit," ii. 12. 4, "et res prorsus se sic habent." It will be observed that *prorsus* follows the adverb in the first two examples, as it did the verb in x. 3. 10 and ten out of fifteen of the adjectives; the single exception may be taken differently: see below. To this category of the adverb we may add seven examples in which *prorsus* emphasizes a negative statement, another very common use of the word,³ as in vii. 1. 2, "nihil est prorsus istis insubidius," in every case following the negative word.⁴ Examples of *prorsus ut* are found in ii. 23. 2, "lepide scriptum . . . prorsus ut melius posse fieri nihil censeas"; and xii. 5. 7, "ita prorsus, ut nihil quicquam esset carius."

Intensive *prorsus* may stand either before or after the word which it modifies. Gellius has a decided fondness for the latter position, amounting almost to a rule. It is probably not safe to regard this usage of his as invariable, but it is certainly a striking coincidence that nearly all, if not all, of the exceptions may be explained in a different way, or taken ἀπὸ κοινοῦ. In conclusion we may examine these doubtful cases.

In xiii. 3. 1 the sentence "risu prorsus atque ludo res digna est" is particularly puzzling, since quite exceptionally it stands at the beginning of a chapter (or extract). For this reason and because, perhaps accidentally, *prorsus* is found several times with *dignus*,⁵ one might be inclined to take it with *digna* here; but it seems much more natural to translate it with *risu*,

¹ The figures in parentheses refer to the categories formulated in T.A.P.A., LI.

² v. 14. 15, "ea re prorsus tam mirabili." ix. 11. 2, xiii. 4. 2, xvii. 3. 3, xix. 9. 7—Praef. 9, "multasque prorsus concinnitates redolentia," ii. 8. 7, ii. 22. 25, iv. 13. 4, iv. 15. 1, vi. 17. 2, xi. 5. 7, xv. 2. 6, xix. 11. 4, xx. 5. 8. In the first five examples *prorsus* precedes the adjective, in the last ten it follows it; in the greater number of the former *prorsus* may be taken differently, or ἀπὸ κοινοῦ (see T.A.P.A., LI, 36, footnote).

³ See T.A.P.A., LI, 33.

⁴ The other examples are: i. 11. 1, v. 5. 6, vi. 3. 51, xi. 16. 4, xviii. 7. 3, xix. 8. 11.

⁵ See T.A.P.A., LI, 33, footnote.

or the phrase *risu atque ludo*, in the sense of "indeed." In ix. 11. 2, "*ea res prorsus miranda sic profecto est in libris annalibus memorata*," a connective with the preceding sentence appears to be called for, and hence the meaning "indeed" or "in fact" seems a natural one for *prorsus*; but the word-order suggests that it is also to be taken intensively with *miranda*. In v. 14. 15, "*ea re prorsus tam admirabili maximos populi clamores excitatos dicit*," the sentence begins a paragraph and no connective seems necessary, but the presence of *tam*, which separates *prorsus* from the adjectival word, makes the translation "indeed" or perhaps "straightway," at least possible. We have another instance of the separation of *prorsus* from the word which it might be expected to modify in xiii. 4. 2, a translation of a letter of Olympias, the mother of Alexander the Great, reading as follows: "*malum mihi prorsus illa (sc. Iuno) dabit*." Here *prorsus* may have both the meaning of "indeed" or "straightway" and that of "exceedingly, very." In vi. 11. 4, "*tamquam prorsus ista dedecora hoc convicio in homine notarentur*," we have an example of *prorsus* modifying a pronoun (V, 2), with the sense of "exactly those." In such cases the order is more flexible, and the position of *prorsus* cannot be regarded as contrary to Gellius' usual practice. The position between *tamquam* and *ista* may conceivably be due to a desire to intensify the former word as well, with the meaning "precisely as if." If this be admitted, we may thus dispose of a real exception to Gellius' usage in xix. 9. 7, "*Iulianum adorti sunt tamquam prorsus barbarum et agrestem*," by taking *prorsus* with *tamquam* as well as with the following adjectives. It seems safer, however, to take the last example as a single exception to the regular word-order; neither *tamquam prorsus* nor *prorsus tamquam* occurs elsewhere, although *prorsus quasi* is common in Justinus and occurs in Apuleius. We have two more examples in which *prorsus* may perhaps modify a pronoun: i. 9. 4, "*hi prorsus appellabantur intra tempus tacendi audiendique ἀκροατικοί*," and i. 23. 2, "*ea Catonis verba huic prorsus commentario indidissem, si libri copia fuisset id temporis, cum haec dictavi*." Both of these sentences are somewhat puzzling. The former is followed by other designations of the Pythagoreans at different stages of their education, once with the similar phrase "*hi dicebantur*"; *prorsus*, however, is not used again, and there seems to be no special reason for emphasizing the first *hi*. Apparently then *prorsus* means "indeed," perhaps combined with a stressing of the pronoun. In the second sentence too there seems to be no good reason for emphasizing *huic*, while the temporal *cum*-clause suggests the meaning "straightway, at once"; but I should be somewhat inclined to see both meanings here, as well as in the preceding example. A particularly difficult example is found in xvi. 3. 1, "*quasi ex lingua prorsum eius apti (capti, mss.)*." *Prorsum* seems to mean "actually" and to be taken loosely with the whole sentence.

It is obvious, I think, that *prorsus* always adds something to the meaning of a sentence, and therefore that a study of the uses of the word, and its various significations, is profitable as well as interesting.

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BOOK REVIEWS

The Homeric Catalogue of Ships. Edited with a commentary by
THOMAS W. ALLEN. Oxford: Clarendon Press, 1921.

The author's endeavor is to show that the *Catalogue of Ships* gives "a true picture of the geography and political position of the Heroic Age." The *Catalogue*, he says (p. 168), "appears older than the body of the poems and the oldest Greek verse we possess." Homer "lived about 950-900 in Chios or Smyrna and compiled two poems on parts of the Trojan war out of already existing material which in our ignorance we may call equally well Chronicle or Saga" (p. 21). "In the Saga the *Catalogue* stood at the beginning," and Homer transferred it "to introduce the Wrath of Achilles." The *Catalogue* is, then, a document which is earlier than the Dorian conquest, "and seems to be in the first instance a national list of the Mycenaean dominions." "It is a document constituting a title: and as such was frequently appealed to in inter-state Greek matters from 600 B.C. onwards."

So much as to aim; as to form, the book is a systematic commentary on the geographical material in B 494-877, presented in ten chapters with a summary of conclusions in chapter xi. The method is set forth in the Introduction, paragraph v. Mr. Allen posits a historical document whose authenticity has been impugned. To change such a document is, he says, a form of fraud. Now fraud, if it exists, is in somebody's interest. If it can be shown that nobody's interest has been subserved, the charge that fraudulent changes have been made falls to the ground, and the document stands forth as authentic. Such a document is the *Catalogue*, Mr. Allen contends, and by such a method is its value to be tested. Such is the test applied in the ten chapters of the book.

The method finds its first application to the Boeotians who hold the foremost place in the *Catalogue*. The Boeotians who are already in full possession of the country send fifty ships to Troy. But here a difficulty emerges. Thucydides asserts that the present Boeotians came into the country sixty years after the Trojan war. The historian, evidently conscious that his statement conflicts with the *Catalogue*, adds parenthetically that a detachment of them came earlier. Mr. Allen holds that the date of the coming of the Boeotians into Boeotia is properly to be defined by the war of the Epigoni. This would give the same result as the *Catalogue*. Thucydides erred therefore in his main statement and approached the truth in his subsidiary statement made in deference to the *Catalogue*. The tradition which he erroneously accepted was probably put forward by the Aegid rulers of Thebes when they later became powerful.

Again, the *Catalogue* assigns to Agamemnon not only Mycenae but Corinth and certain coast towns on the Corinthian gulf. Such a relation

of Corinth to Mycenae, Mr. Allen argues, cannot be comprehended as an invention of the Corinthians of a later period. It is therefore to be regarded as based on fact. The conclusion drawn is that the *Catalogue* depicts the real relation of the cities in the Mycenaean period.

When the method comes to be applied to Rhodes and the neighboring islands, Mr. Allen accepts the implications of his position, although at considerable cost. What the implications are will appear from the following: the *Catalogue* mentions Greek warriors from Rhodes and Cos who are led by Heraclids. Now this reference to Heraclids is commonly reckoned an anachronism, for Heraclids are Dorians and Dorians are later than the Trojan war. This whole passage about the Dorian contingent is then according to the current view a late element in the *Catalogue*. But this accepted view is inconsistent with the hypothesis with which Mr. Allen is working, viz., that the *Catalogue* is wholly pre-Dorian and that it has resisted all later intrusions. He accordingly denies that "Heraclid" connotes "Dorian," and returns to the genealogies which placed Heracles and his immediate descendants an appropriate distance before the Trojan war.

The view that the *Catalogue* was a definite historical document, capable of resistance to the pressure of self-interest and proof against intrusions, although constantly subjected to deflecting influences, the view, in brief, that the *Catalogue* was "intangible," is maintained until the final chapter is reached. There the question is raised: "Is the *Catalogue* as we have it the original document? and where did it come from?" The answer given is: "It would be unreasonable to suppose that we have the *Catalogue* in its literal original form." Mr. Allen then eliminates the events later than the mustering at Aulis, viz., the references to Achilles, Protesilaus and Philoctetes. He furthermore grants that the twelve atheteses of the Alexandrians, including thirty-two verses, are most of them sound. Last of all he gives a hearing to two lesser catalogues, II 168-197, and N 685-722, and raises the question whether the lesser catalogues are amplifications of B or whether B itself is a reduction of an archetypal catalogue.

Here, then, near the end of the book, there is a new approach to the subject in hand. The argument gets a new orientation. It appears that the *Catalogue of Ships* is not after all something unique and singular, but that it is of the same tissue as certain other material that stands in the *Iliad*. It is, for example, comparable with the shorter catalogue in N. The subject is not further pursued, so that there is no consideration of the pertinent fact that the catalogues in B and N, in dealing with the same matters, show substantial points of difference. Nor again do the differences between the *Catalogue* and the body of the *Iliad* receive due attention. Mr. Allen makes the *Catalogue* older than the body of the poem (p. 168), and says: "The *Catalogue* and the rest of the poem agree very well."

The argument that is drawn from archaeological evidence to show that the *Catalogue* is a Mycenaean document may be, in general, summarized as follows: Since the area of the *Catalogue* and the area of the Mycenaean world are substantially coterminous, the two may be equated. In particular, Thessaly is offered in evidence, in that it seems an afterthought in the *Catalogue*, and is also upon archaeological evidence known to have been drawn within the Mycenaean sphere very late. Again, a conclusion is drawn from the Aegean islands. The *Catalogue* knows only the southern group in line with Crete, viz., Rhodes, Cos, and the others. Mr. Allen urges that these islands, as distinct from the more northerly, are Mycenaean. This, however, leads to the odd conclusion that the bulk of the Aegean islands had no part in that phase of the Aegean civilization called Mycenaean. The conclusion is at best *ex silentio*, and the question is one of fact. Thera and Melos certainly break the silence. Mr. Hogarth's map (*Enc. Brit.*, "Aegean Civilization") makes no such discrimination, and Fimmen's inventory (*Kretisch-Mykenische Kultur*, pp. 13-16) shows that many islands are to be credited with quite the same evidence in kind and amount that Mr. Allen honors for Rhodes and Cos. In the case of Mycenae and Tiryns, the *Catalogue*, in that it separates the two, directly traverses the conclusion furnished by the monuments that the sites belong together.

Concerning the *Catalogue of Ships* two judgments, complementary and not contradictory, have received general recognition. These are, first, that the *Catalogue* is a source of geographical and historical information of genuine value, and again, that the *Catalogue* as a whole, measured by the *Iliad* as a whole, is a late and secondary document. Of the evidence that exists for the second judgment Mr. Allen's commentary gives almost no idea. As to the first judgment he specifies the particular sense in which the *Catalogue* is a source by referring its information wholly to one—and that the very earliest—period, and by making it consist of but one stratum, without intrusions. To this conclusion one may say that the ultimate judgment about the *Catalogue* must rest upon a broader basis. As to the method which is followed throughout the discussion, that of taking a hypothesis and reordering the material in the light of it so as to get a better total picture—that method is indeed legitimate, but in the end it must be justified by the result. The result which one has a right to expect will have a twofold aspect; it will offer a new synthesis of all relevant material such as will illumine the whole field without at the same time imposing new difficulties. In this case the new result offered is the proposal to put the *Catalogue* first, as something that was there before Homer and that traced the line to which Homer hewed. Leaving that question to be decided by the jury of Homeric readers, and considering only the new difficulties imposed, one finds at least two. First a legal and static view of the *Catalogue* is assumed, the view that in an age

of oral transmission a canonical document existed that always was canonical and that never went through any appreciable process of becoming so; and that the *Catalogue* in B is, or contains, that document. Further, the position taken about the Heraclids in Rhodes, and the acceptance of the generations of Heracles and Meleager in T and I as "older than their context" (p. 168), involve a return to the reasoning of the ancients whereby genealogies are immediately convertible into historical conclusions.

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Griechische Verskunst. VON ULRICH V. WILAMOWITZ-MOELLENDORFF.
Berlin: Weidmannsche Buchhandlung, 1921.

This is a reprint of *Choriambische dimeter commentariola metrica duo* and *De versu phalaeceo*, padded out with new matter, evidently from the notes of lectures to students, and text-criticism to fill a volume of 630 pages. There are, of course, some suggestions of interest to specialists, but there are no new or helpful ideas for the practical study of Greek metric, and the book will only confuse the student, who would do better to keep to his Christ. A rambling and gossipy introduction treats of Greek and modern verse, poetry and prose, the metrical theories of the Greeks, and the history of Greek *Verskunst*. It is all very thin and superficial, though not unreadable. Its main purpose is to insist on the unique quality of Greek metric, the necessity of studying it from a historical and evolutionary point of view, the impossibility of any generalized metric applicable to different languages, and more especially the futility of all attempts to illustrate Greek meters by the English poetry, which Professor Wilamowitz does not know. Neither here nor in the special part that follows is any real evidence offered either in support of the arbitrary assumption that different Greek tribes must have poured their feelings into different metrical molds, or in confirmation of the hundreds of arbitrary affirmations as to the presumable historical derivation of one metrical pattern, form, or phrase from another. It is a mere game of reducing selected groups of longs and shorts to approximate equivalence, by addition, subtraction, and substitution, a juggling with such terms as *Reizianum*, *praxilleion*, *aeschrioneum*, *logaoedicum*, *archebulium*, *anaclastic dochmiacs*, *phrynicheion*, *hemiepes*, *enoplion*, *lekythion*, *ithyphallic*, *encomiologicus*.

In what is apparently a silent recognition that this procedure has been criticized Wilamowitz says they are "*bequem*." But are they? And to whom? Outside of half a dozen specialists, actually engaged in writing on metric, there is not a living scholar who can read and understand these pages without looking up the terminology in Christ's index, and testing the

legitimacy of its application to the arguments by writing out the schemes for himself. I could, when I wrote "Choriambic Dimeter," read this sort of thing *ad aperturam libri*, and I could, when I had finished writing this review. But I could not a month ago, and shall not be able to a month from now. For thirty years' uninterrupted practice of viva voice reading of Pindar and the choruses of tragedy with students has convinced me that the terminology which goes beyond the names of the feet and a few of the more prominent combinations is not only of no use, but actually multiplies occasions for equivocation and logomachy. I have heard Professor Wilamowitz read Greek poetry; in fact he "scans" most Greek verses about as I or any other student, who began with Westphal and Christ and the schemes of Jebb's *Sophocles* and Gildersleeve's *Pindar*, would read them. It is not very difficult, with adequate practice, to teach students to read in this way fairly well. But they will never learn it from the speculations, the schemes, or the terminology of this book. In this respect European students do not greatly differ from our own. Members of a Berlin seminar, nearly ready for their doctor's degree, were unable to recognize and name Horatian *Alcaics*, let alone *priapeans*, *sotadeans*, *galliambics*, and *asclepiadeans*.

This of course is a question of *paedagogy*. Professor Wilamowitz will say that his aim is to prepare the way for a science of metric and a critically historical treatment of the evolution of Greek meter. And if he had made the slightest attempt to meet or explain away the precise and definite objections that have been brought against his methods, I would re-examine specifically his account of the different meters and their historical development. But what would be the use? His *finis controversiae* is, that all who reject his schemes, and are skeptical of his derivations, lack his divinatory intuition, and have no right *mitzureden*. And his method is unchanged. It rests on the assumption that any exact or approximate patterns or groupings of longs and shorts that he or the Greek scholiasts can distinguish and designate by an invented name were consciously so distinguished as entities of a fixed tradition by the Greek poets, and that they thus become for science the elements and factors of an evolution that philology may trace in a continuous historic sequence from indeterminate, prehomeric, or indogermanic, four-and-eight-syllablers to the latest refinements of the Alexandrians. He wilfully shuts his eyes and ears to the plain fact that when once the metrical and literary sense have been developed to the point where we already find them in Homer and Archilochus almost any metrical forms or combinations may arise spontaneously, and be "invented" over and over again. This might not prevent our tracing the actual historical sequence of forms if we possessed a complete record, and if our ears were infallible and our memories unailing. But in the fragmentary condition of Greek literature such speculations only darken counsel, and add to the confusion.

I happen to know that Joaquin Miller's meter for a galloping steed comes from Virgil by way of Browning, and that the meter of Bret Harte's

"Heathen Chinees" derives from Aeschylus through Atalanta in Calydon. But I know it by direct historical evidence, not by juggling with the schemes. That can at the most suggest parallels. It can rarely convert them into certainties. An ingenious observer, whose ear is retentive for metrical patterns, can discover such possibilities of relationship everywhere.¹ The adepts of the new poetry in America praise what they call Miss Amy Lowell's "cadences," meaning by cadence something far more spontaneous than the outworn rigidities of classicism. Miss Lowell's poem, "Patterns," is designed in cadences, they say, and one especially fine cadence is reiterated as a sort of refrain in lines like the following:

Makes a pink and silver stain
Only whalebone and brocade.
Underneath my stiffened gown.
With the weight of this brocade.
By each button, hook and lace.
Aching, melting, unafraid.

Now it happens that this new voice, this cadence, this pattern, this free inspiration of the free verse is a perfectly regular metrical clause familiar to the classicist from the earliest Greek lyric.

Makes a pink and silver stain.
Underneath my stiffened gown.

What is that but Alcaeus?

λίσσομαί σε λίσσομαι

or Aleman's

ἦ οὐχ ὀργῆς; ὁ μὲν κέλῃς

We turn to Aeschylus and find it again.

But she guesses he is near.
-σιν μεταῖθις ἐν χρόνῳ

Plautus, Pseudolus 211, has it.

oleum deportatum erit

A whole ode of Horace (2. 18) uses it in every alternate line.

With the weight of this brocade.

Non trabes Hymettiae

And Miss Lowell may have found the suggestion there—or, if she deigns to read that obsolete Victorian, in Tennyson who with Aeschylus in his ears composed an entire poem, the "Dirge," in this meter.

By each button, hook and lace

That is Miss Lowell's "cadence," and here is Tennyson's prophetic utterance:

Wild words wander here and there,
God's great gift of speech abused
Makes thy memory confused.
But let them rave.

¹ Cf. my review of Herkenrath, *Der Enoplios*, *Classical Philology*, III, 360.

Not only can the classicist find this cadence all over the shop but he has a technical name for it by which he is enabled to describe and designate it to his fellow pedants. It is neither more nor less than the catalectic trochaic tetrapody which for brevity the later Greek grammarians dubbed the Euripidean and which we may henceforth style the Amy Lowellian.

If I were a disciple of Wilamowitz, I should affirm that anyone who cannot feel the identity of the Euripidean and the Lowellian and the historical derivation of the one from the other is not worth enlightening. But a more cautious and a more coolly historical method would, I think, admit that Miss Lowell may have "invented" this cadence, and would take testimony on the question, whether in fact it was suggested to her by early memories of Horace or Tennyson.

An eminent and always interesting scholar tells us that Tennyson's
O, that twere possible after long grief and pain
is derived from Aeschylus' *Agamemnon* 1447,

φεῦ, τίς ἄν ἐν τάχει
μὴ περιώδυνος,

I know what he means; I can of course hear a certain resemblance in the two movements, but I wonder if he knows. Swinburne says that the context proves that Tennyson's line is a reminiscence of a phrase of Webster the dramatist. That seems to me more probable. Yet I should not dismiss as incompetent *mitzureden* the cautious critic who would suspend judgment, unless or until a memorandum of Tennyson himself turned up. But I am straying far; and Professor Wilamowitz holds that the use of illustrations from English poetry is unscientific.

PAUL SHOREY

Plato, "*The Laws*." By E. B. ENGLAND. Manchester: University Press; London: Longmans, Green & Co., 1921. Two volumes.

An English commentary on Plato's *Laws* was greatly needed, and thanks are due to Professor England for undertaking so laborious a task and to the University of Manchester Press for the admirable form and printing of these two neat, compact volumes. The Introduction is confined to a few pages on the ethical value of this "treasury of pregnant truths," and a simple, sober analysis that, with the index of subjects at the end of the second volume and the short analysis that precedes each book, will enable the reader to find his way in the labyrinth. The general reader and student of philosophy will not receive much other aid from Professor England. His commentary is singularly austere, in view of the wealth of ideas and the historical influence of the work with which it deals. Of all this and its relation to Plato's other writings and his philosophy as a whole Professor England has little or nothing to say. With rare exceptions the commentary concerns itself solely with text-criticism and interpretation in the sense of exact translation. Within

the limits he has set himself, the commentator has done his work conscientiously and well. On nearly all difficult and doubtful passages the student will find the evidence for the text preferred summed up, the interpretations of the Germans examined, and the well-weighed conclusions of Professor England and his correspondents or coadjutors, Professor Burnet, Dr. Henry Jackson, Mr. F. H. Dale, and Mrs. Adam. He has had constantly before him the older editions from Ressen and Stephanus to Schanz and the translations of Marsilio Ficino, Schneider, Wagner, and Jowett, whom he often corrects, and the various papers and commentaries of Ritter, Apelt, Richards.

His own revision of the text is based on Burnet. The detail of the 850 pages of notes is endless. I can only mention a few typical readings and interpretations and query a few doubtful points.

629 B 9 ff. "Your insight and your right feeling are manifest from the high praises you bestow on high virtue in war." This misses the tone which is ironical as the reference to *Laches* 183 D would have shown.

632 A 8. A British reviewer would probably dub "waiving (*sic*) aside the ontological question" an Americanism.

632 D. Instead of quoting Apelt on the careless, redundant style of this passage it would be more helpful to illustrate the meaning by *Republic* 538 D, quote *Republic* 572 B for the effective *καί*, Aeschylus *Eumenides* 368 for the tone of *σμενῶν* and Tennyson, *In Memoriam*, XXI, and Horace *A.P.* 163 for *κηρινούς*.

636 C *εἴτε παῖζοντα*. The reference to the comic poet misses the tone. Plato in Greek society as Renan in French fears the ridicule of the smart set if he moralizes solemnly about sex. A similar use of the antithesis of *παῖζειν* and *σπουδαίνειν* to express real or pretended fear of the scoffs of advanced thinkers is frequent in the *Laws*.

645-46. I cannot take space to interpret this wonderful page. But it should be observed that here as in many other passages of the *Laws* the jocose tone adopted by Jowett and accepted by Professor England misrepresents the temper of Plato's old age. "Suppose that we give this puppet of ours drink," writes Jowett, and Professor England says, "Now we have what sounds like the farcical suggestion of making a puppet drunk," and then he adds a matter-of-fact discussion after Ritter of the synonyms *λόγος* and *μῦθος*. We who have been living through an age of physiological psychology and Nietzschean ethics ought surely to apprehend Plato's wistful meaning when he says that even if we be puppets, pulled about by invisible cords, the myth of virtue may be saved. Professor England's defense of the crux in 666 E is that there is no ellipse, but that Clinias, not understanding, takes refuge in a safe generalization which is not logically connected with the context. He emends *τὸ μὲν τοῦ Σιδωνίου μυθολόγημα τὸ τὸ μέντοι Σιδωνίων*.

In 677 C he misses the explanation of Plato's meaning by Lucretius which I gave in *Harvard Studies*, XII, 207-8. In 718 D he reads *φημί* for *φησί*, overlooking the emendation *φασί* in *Classical Philology*, IX, 367. In a long note on 683 E he says that there is nothing to justify the specific reference of *ῥῖν* *δη* for the principle that a ruling class is always destroyed

by itself. The reference is plainly to 682 D, E, the destruction of the governments of the captors of Troy by their own or their sons' folly and injustice. This is confirmed by Republic 465 B and 445 D where *στάσις* is used in enunciation of this principle as it is used in *Laws* 682 D. Critics who try to catch Plato tripping even in the *Laws* usually (I do not say always) trip themselves. Thus on 812 B Wilamowitz (ii. 309) with a cross-reference to 664 D says that Plato makes a pardonable error. Professor England gives the correct reference to 670. It is not Plato who is in error.

690 B. Though he has not read Wilamowitz his sensible notes here and at *Laws* 714 E and 890 A on Pindar's club law of Nature passage completely dispose of the tissue of fallacies which Wilamowitz (i. 218; ii. 84; ii. 97-98) has woven about the subject.

706 C. "What is wanted to make this passage intelligible is the discovery of a poem in which the words *οὐκ αἰσχροῦς φονγᾶς* occurred." Say rather that what is wanted is the omitted reference to *Laches* 191.

730 B. He is right in correcting Jowett and, as he says, all editors by the observation that the description of empiric methods applies only to the slave's position.

757 A. "*γάρ* is not for, but you know." 769 B. "A clear case of *ἐπεὶ* although." There is an enormous amount of evidence to show that in at least nine out of ten of such cases by virtue of the elliptic genius of Greek idiom *γάρ* is "for" and *ἐπεὶ* is "since." This creates a presumption in the few cases where the explanation by ellipse seems far fetched to one who thinks in English. Editors should either examine and discuss this evidence or stop telling students that *γάρ* means "you know" and *ἐπεὶ* "although."

765 B. He solves the puzzle by assuming chiasmus and taking *κατηγόρημα* in the sense of assertion.

769 A 3. "A fine game, the Athenian says; a fine piece of work, Clinias answers." This is quite wrong as the idiom of *Euthydemus* 273 D, *καλὸν ἂν πον τὸ ἔργον ὑμῶν εἴη* with the context will show.

769 B. *καὶ οὐδέν γε ἐβλάβης*. That doesn't matter; we can, etc., is the wrong tone. It is a Ruskinian petulance in praise of simplicity. Cf. *Classical Philology*, IX, 346.

795 B. C. The translation is impossible. He has not considered the suggestions of my note in *Classical Philology*, XI, 213.

870 C. The contradiction alleged with *Republic* 548 C does not exist. It is not true that *φιλοτιμία* here is assigned to the *ἐπιθυμητικόν*. In 870 C, D *δεύτερον δὲ φιλοτιμὸν ψυχῆς ἐξίς* marks a distinct category in the causes of crime.

These random observations which could easily be extended to fill a volume will give a sufficient notion of the qualities and the limitations of this commentary. I need hardly repeat that it is to be judged by its qualities, by the service it renders, not by what it does not attempt.

PAUL SHOREY

Recherches sur L'Éphébie Attique et en particulier sur La Date de L'Institution. Par Alice Brenot. Élève Diplômée de l'école pratique des Hautes Études. Paris: Edouard Champion, 1920. Pp. xxvii+52.

In this little treatise, after considering all the available literary and inscriptional evidence, Mlle Brenot disagrees with the conclusions reached by M. Dumont in his *Essai sur l'Éphébie Attique* (1876) and by M. Girard in his *L'Éducation Athénienne* (1891) (and later reaffirmed in his article on the Ephebi in Daremberg and Saglio, *Dict. des Antiq.*), and accepts those of Professor Wilamowitz, expressed in *Aristoteles und Athen*, I, 189 ff. Her conclusions are that nothing warrants the opinion that the Attic Ephebeia was an old or fifth-century institution, but that everything points to a late fourth-century origin. Her chief reasons for rejecting the early-origin theory are two: The absence of any direct or incontestable reference to the institution until as late as the *Axiochus*, and the military nature of the ephebeia, which was so out of keeping with what we know of the Athenian attitude toward military preparedness. Her belief is that it was Chaeronea that finally awakened Athens to a belated realization that her safety demanded something more than a navy, and that consequently, in a few years, the institution of the ephebeia as described by Aristotle in chapter 42 of his *Constitution of Athens* was created. She sees in the famous ephebic inscription of 334-333 B.C. an enthusiasm that "semble indiquer la joie du resultat heureux d'une institution nouvellement etablie" (p. 41), and with Wilamowitz (*op. cit.*, p. 194) assumes that the birth of the ephebeia antedates this inscription by one year. The conviction of Wilamowitz (*op. cit.*, p. 194) that chapter 42 of the *Constitution of Athens*, "klingt viel frischer und lebhafter als allesfolgende," is also accepted by the author as confirmatory evidence for the late origin, inasmuch as this is an indication of Aristotle's interest in the operation of a new institution. In establishing the antiquity of the ephebeia scholars have had recourse to the antique tone and style of the famous ephebic oath (e.g., Girard, in *Dict. des Antiq.*, s.v. "ephebi"). Our author disposes of this argument (p. 29) by assuming that the oath was in reality an ancient one which the ephebi had adopted, and not one that had been made especially for them.

The author would have added much to the value of this work if she had somewhere introduced a brief summary of the conclusions of her predecessors upon this subject, but in spite of this the student will find in this treatise a completeness that is satisfying, and will probably admit that Mlle Brenot has said about everything that there is to say upon her side of the debate. He will, however, in all probability, agree with M. Dumont (*op. cit.*, I, 5) about the wisdom of stressing so much the *ex silentio* argument, and when it comes to deciding whether this institution is or is not in full accord with our accepted knowledge of Athenian ideals, he may wonder whether to be

enthusiastic with the same writer (*ibid.*, pp. 8 ff.) over its real Athenian character, or to shake his head with Professor Wilamowitz and murmur "Diese ephebenordnung ist ein wunderbares ding" (*op. cit.*, p. 191). He will also probably regret that in proving the late origin of the institution it becomes necessary to explain away every sort of early reference that might possibly point to the existence of such an institution. In chapter ii of Part I the author is not unsuccessful in taking issue with those who see in Thucydides' use of *οἱ νεώτατοι* (ii. 13. 7; 21. 2) a reference to the ephebi. However, the chapter dealing with the difficulty arising from the use of the term *περίπολος* is not so successful and is perhaps the least convincing of the whole treatise. Others (Girard, *Dict. des Antiq.*, s.v. "ephebi"; Gilbert, *Greek Constitutional Antiquities*, Eng., p. 313) have admitted that the term is sometimes applied to hired mercenaries on guard duty (Thuc. iv. 67. 1; viii. 92. 2), as well as to the ephebi in their second year of service. One experiences more difficulty however in following our author in assuming that when Aeschines speaks with pride of his service as *περίπολος τῆς χώρας ταύτης* (Fals. Leg. 167) he is referring to the years when he eked out his scanty income by service as a mercenary, and that his *συνίφηβοι* are merely some young fellows of his own age. Even the absence of any evidence to prove that Demosthenes had ever been an *ἑφηβος* does not help the matter. Two years of service as a hired mercenary are hardly glorious enough to make even an Aeschines proud of his military career.

The most serious objection that the reviewer finds to Mlle Brenot's discussion is that if one must fix the date of the institution's birth at a year or two before our full information about it begins, one is also compelled to assume that it sprang full-grown and mature, in the form described by Aristotle, from the brow of some Athenian Zeus. There is absolutely no room for infancy or growth. Even the suggestion that Plato is responsible for the institution (p. 41; Wilamowitz, *op. cit.*, p. 194) does not convince us that there may not have been something much earlier from which the late fourth-century institution developed. No one pretends to doubt that changes came in it in the course of the third century. It is at least possible that the form as described by Aristotle was the result of change.

J. O. LOFBERG

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Collectanea Hispanica. Par CHARLES UPSON CLARK. Paris: Honoré Champion. Transactions of the Connecticut Academy of Arts and Sciences, XXIV, September, 1920, 1-243.

American scholarship may well take pride in its recent achievements in the field of paleography. Burnham's fine collection of facsimiles of Spanish MSS, Loew's great work on the Beneventan script, and Rand and Howe's study of the script of the Tours scriptorium are models each of its kind. To

this list we may now add Professor Clark's important study of the Spanish script, which he modestly calls "Collectanea." The book is based on material collected during a six weeks' visit to Spain in 1907, an amazing achievement when one considers the difficulties often encountered in working in Spanish libraries. Its appearance has been delayed, first by the failure of the Italian firm which undertook to publish it, and later, when it was nearly half-done, by the outbreak of the war.

The first chapter (pp. 5-23) gives an excellent historical sketch of previous works dealing with the Spanish paleography. Chapter ii (pp. 24-74) contains a list of MSS or fragments of MSS still in existence that are written, entirely or in part, in the Spanish script; a few MSS are included that contain only marginalia written in this script. The paleographical peculiarities of each MS are indicated (*i*-longa, *ti*-ligature, etc.) and references are given to discussions by other scholars or to facsimiles. The list is instructive; of the two hundred and twelve MSS two-thirds are still in Spain, thirty-nine are in France, eighteen in England, and twelve in Italy. They contain, with comparatively few exceptions, church texts, bibles, commentaries, works of the fathers, liturgy, and the like. There are a number of glossaries, a few grammars and law books, and some with miscellaneous contents. Professor Clark discovered an eleventh-century Terence that had hitherto escaped notice. The most important MS for the classical student is the Leyden Ausonius (Voss. F. 111), not Corippus as a slip of the author has it. This codex, as Tafel has shown (Rheinisches Museum 69. 630), once formed one MS with Paris 8093 and was probably written at Lyons, where there seems to have been a settlement of Spaniards in the ninth century. We may assume with the author that his list is almost complete; the only omissions that I have observed are: Glasgow, Hunterian Museum T. 4. 13, tenth-century "westgotische Schrift mit manchen Eigentümlichkeiten" according to Schenkl, *Bibliotheca patrum latinorum britannica*, II, 3, Nr. 3122; according to the same author (I, 2, Nr. 1182) the first scribe of Cheltenham 1326 shows Spanish influence; Tafel reports (*loc. cit.*, p. 631) that Lyons 443, written in uncials and half-uncials, has several gaps filled in by Spanish scribes. Lists are also given of dated MSS, of scribes or miniaturists, of scriptoria and of facsimiles; in addition to the facsimile of Voss. 111 found in Schenkl's edition, mention should be made of those in Peiper's Teubner edition and in Gaselee's reproduction of the Trau MS of Petronius.

Chapter iii deals with the characteristics of the Spanish script. The forms of the letters are discussed in detail, though one misses a comment on the use of the uncial form of a, within the line as well as at the end (Plates 67, 69). The methods of abbreviation are described and an alphabetical list of abbreviations is given. Other sections deal with orthography, syllable division, diacritical marks and punctuation, and the evolution of the script. Clark accepts Loew's division into four periods but thinks the question cannot be settled until we have facsimiles of all the known Spanish MSS.

In point of fact, none of the topics dealt with in this chapter can be definitely disposed of until the MSS themselves are carefully examined; facsimiles are insufficient. Furthermore, if one is to write a history of the evolution of the script and of the development of local schools, the cursive scripts must be included in the investigation. Professor Clark has cleared the way for such a work and has greatly lightened the task for his successor.

The last chapter is devoted to the transcription of the plates, with a detailed description of the MSS and comments on the script. The plates, seventy in number, are from photographs made, with but few exceptions, by Professor Clark himself; apparently a hand camera, 5 by 7 inches, was used. Most of them can be read without the use of a glass. While reduced facsimiles of this sort are not practicable for paleographical exercises they are quite satisfactory for the study of the script, and further publication of such facsimiles should be encouraged. The great cost of the larger publications has been a handicap to paleographical study. There is room also for inexpensive photographs of entire MSS in reduced format alongside the sumptuous reproductions of the Leyden series.

CHARLES H. BEESON

Titi Livi ab urbe condita recognoverunt Carolus Flamstead Walters et Robertus Seymour Conway. Tomus II, libri VI-X. Oxonii, e typographeo Clarendoniano, MDCCCCXIX.

With the appearance of this volume we have at last a trustworthy text and apparatus of the first decade of Livy, and a great reproach to classical scholarship has thus been removed. It is not that the Teubner text was not a good one—there are no startling changes in the Oxford edition—but we now know where we stand and can feel sure that we have all the evidence before us.

We are reminded in the Preface that seven MSS hitherto unknown or unused have been added to the apparatus, that the important MSS already known have been recollated and that the *deteriores* have been re-examined. The collations of Alschefski and Frigelli, though better than most collations of their day, were faulty, often contradicting each other, and could not be trusted. The editors have not accepted even Dianu's careful collation of the Thuanus, but have made a new collation and verified all the discrepancies between Dianu's and their own, so that we may feel sure we have an accurate report on the readings of this important MS. This codex, by the way, is a ninth-, not a tenth-century MS, as I hope to show elsewhere, and the corrector did his work about the middle of the ninth century; he is certainly the scribe who wrote the first pages of the codex.

The reason why we have had to wait so long for a satisfactory edition of the first decade is obvious; few classical texts require more drudgery and

fruitless labor in their preparation than the first ten books of Livy. Frigelli spent more than twenty years in preparing his *Collatio codicum Livianorum*, libri I–III, 1878; with the help of a number of colleagues, published their first volume only after thirteen years of preparation (1914), and the second volume required an additional five years. The successful completion of this laborious task is an achievement in which they may well take pride.

The Preface gives a list of the MSS used but refers the reader to the Preface of Volume I for a detailed description. Several pages are devoted, however, to the Medicean codex, and the good and bad qualities of this MS are well depicted; several pages also are devoted to a discussion of the MSS used by Gelenius. A clever attempt has been made to reconstruct the (uncial) archetype of our MSS, even to the number of letters in a line, and the text has been emended on this basis in a number of places. It is unfortunate that the editors did not indicate, at least in a general way, their view as to the history of the text. Their general impressions, crystallized after an intensive study of so many years, would have been of great value. No one now undertaking this task can hope to attain such a mastery of details as they possess. The MSS groups stand out clearly enough, but we should like to know their final conclusions regarding the interrelationship of the groups and of the separate MSS, the script of the various archetypes, etc.

The apparatus has the same excellent features as that of Volume I: exactness in giving the readings of the MSS, explanation of errors, discussion of variants and emendations, etc.; reference is occasionally made to discussions, especially to *Classical Quarterly* XII (1918), 1, 98, 113. The paleographical comments are interesting but in some cases are open to criticism; e.g., VIII 36, 6, *circuit scripsi*, the editor apparently interprets *circū* (POHD) as *circum*, which is the reading of MFTLA, and gives a cross-reference to III, 51, 7, where F has *quieū*. Here the statement is explicit: "*quieū* F [i.e., *qui eum* (*sed fortasse voluit scriba quievit*)]." Now the use of an abbreviating stroke for the third singular verb ending -it is well established; in fact, it is found in X, 33, 1, where A has *induc* and our editor correctly interprets it as *inducit*. There can be no doubt that the scribe, whether of F or its archetype, who first wrote *quieū* meant *quievit* not *qui eum*, and F should be cited along with the mass of MSS, which have *quievit*; similarly we should regard *circuit* as the reading attested by POHD. These scribes may have thought they were writing *circum*—in fact the scribes of MFTLA wrote *circum*—but if Livy wrote *circuit*, as the editor assumes, the original *circū* meant *circuit*; in other words, if an abbreviation is capable of more than one interpretation it should be expanded into the reading admitted into the text, if the other reading is impossible. The suggestion that the reading *qui* for *quam*, found in H at VII, 18, 7, is due to a mistaken abbreviation for *quam* (*qu* with a suprascript abbreviating

stroke that was mistaken for *i*) seems unlikely; such an abbreviation for *quam* would be an anomaly; *q* with an abbreviating stroke through the tail was probably the cause of the error. In the majority of cases where our editor is in doubt whether a correction in the Thuanus is to be attributed to *T*², or to *T*¹ or *T*³, I agree with Dianu in attributing it to *T*²; in some cases the reference mark makes the attribution almost certain. The compendium in IX, 44, 2, if correctly printed, stands for *est*, not *et*.

There is no index and the reader will still find use for his Teubner text.

CHARLES H. BEESON

P. Vergili Maronis opera post Ribbeckium tertium recognovit Gualtherus Ianell. Editio Maior. Lipsiae in aedibus B. G. Teubneri, MCMXX. Pp. xxviii+428.

Ribbeck's great critical edition of Virgil has undergone a gradual process of contraction. His first edition required three good-sized volumes for the text, the second (1894, 1895) was reduced by more than a third, and the present volume contains only about half as many pages as the second edition; the format has been reduced to that of the ordinary Teubner text. The *Appendix Vergiliana* has been omitted, the testimonia have disappeared, and the apparatus has shrunk, in some places almost to the vanishing point of usefulness.

In the first ten pages of the Preface the editor states the principles he has followed in constituting the text and apparatus. His announced purpose is to free the text from Ribbeck's often reckless changes and restore the tradition. He has made no new examination of the MSS previously used; the readings of *M*, which he regards as the "best" MS, are taken from Hoffman's collation; those of *F*, which he classes as second in value, are derived from the Vatican reproduction. He cites occasionally readings from a Codex Rehdigeranus, a MS of the twelfth century, which he collated at Norden's suggestion. He has examined the external evidence also, including the centones, which Ribbeck disregarded.

In matters of orthography the editor has not attempted to reproduce the variations of spelling of the MSS; hence *-om* after *u* and *v* everywhere; following Gellius he spells *ahenus* everywhere. A few innovations occur, e.g., *Aepytus* for *Epytus*, *Elymus* for *Helymus*, *Herulum* for *Erulum*, *Hortinae* for *Ortinae*, *Mevius* for *Maevius*, *Mezzentius* for *Mezentius* and *Pthia* for *Phthia*; the spelling with *g* instead of *c* has been adopted in such forms as *Agmon*, *Agragas*, *Cygnus*, *Gnosus*, *Ognus*, *Progne*, *Pyragmon*. In punctuation the Codex Mediceus has been followed as far as practicable.

The Preface also contains the text of the *Vita Donatiana*, based on eight MSS, the *Serviana*, based on eight MSS, and the *Vita Probi*, based on four MSS. Three pages are devoted to the testimonia.

In printing the text the editor has indicated at the top of the page the capital-letter MSS involved; there are a number of discrepancies with Ribbeck's statements, but in each case only one or two lines are in question; e.g., G does not contain *Aen.* iii. 208, 209, 227 (except traces of one word), 228, 531, 532; similarly, *Aen.* xi. 691, 692 are not found in P; on p. 250 the MSS for *Aen.* vii. 482-485 are MRV not MPV.

The critical apparatus contains only those variants which in the opinion of the editor are "graviore momento vel memorabiles"; the *deteriores* are cited only when they agree with one or more of the best MSS. It is of more importance to have the evidence of the *deteriores* where they support a reading admitted to the text against the consensus of the majuscule MSS; the same principle holds for the external evidence. This material could have been included without greatly increasing the bulk of the apparatus, since the conservatism of the editor has reduced considerably the number of such cases; e.g., E. III, 38, no evidence is given for *facili*, the accepted reading; Servius is quoted for *facilis*, "Donatus sic legit," but the rest of the citation which, with the MSS $\gamma \pi$, is the only support for *facili*, is omitted, "legitur tamen et 'torno facili'"; E. IV, 26 and 33, the readings of R, the only majuscule MS for this part of the poem, are given, but not the evidence for the readings admitted into the text; there is no critical note on *flavescet*, v. 26, and one might infer that *flavescet* is the form vouched for by the MSS; in point of fact R γ^1 b¹ have *flavescit*; E. IV, 62 is one of the few cases where the editor admits an emendation, that of Birt; the version of Quintilian, *qui non risere parenti*, approved by Crusius and adopted by Hirzel, might well have been included in the apparatus; G. I, 383, the evidence for *et quae*, γ bc and Servius, is not given; G. I, 461, the text has *vehat*; the readings of M¹ R (*ferat*) and M² (*verat*) are given, but the *deteriores*, which have *vehat* or *veat*, are not mentioned; G. IV, 148 has no critical note and one might infer that MP have *me*, whereas these MSS as well as γ a omit it; the only evidence for *me* is found in χ b; v. 241 has *suffire*; the apparatus reads *suffere*, M(P)R omitting the evidence for *suffire* (γ bc and Priscian); *Aen.* II. 398 has no critical note; the text has *demittimus* but the MSS (except the second hand in some of the *deteriores*) have *dimittimus*; the editor has done better at v. 734 where he gives the evidence for *dispiciunt* and *despiciunt*, *Aen.* vi. 20, bc π should be mentioned as well as r; *Aen.* vi. 617 has no critical note though practically all the MSS have *destricti*, not *districti*; *Aen.* vii. 740 has *Abellae*, with no critical note; the MSS have *bellae*, except a Vienna MS quoted by Ribbeck in his *Prolegomena*, page 353; the reading *Abellae* was known to Servius, who, however, prefers *bellae*; *Aen.* ix. 455, the evidence for *tepida*, the accepted reading, is omitted; similarly the manuscript evidence (γ bc) for *levabat* in *Aen.* x. 834.

The apparatus would have been more useful if the editor had included the evidence on the more important passages where he has reverted to the MSS, rejecting readings long established in our text; e.g., there are no

critical notes on the following passages: E. III, 101 *exitium est pecori*] *exitium pecori* c x, Ribbeck and Hirtzel; G. I, 418, *vias*] *vices* Ribbeck and Hirtzel with two *deteriores*; Aen. ii. 584 *habet haec*] most editors read *nec habet*; Aen. iv. 217 *subnixus*] *subnexus*, Ribbeck and Hirtzel with two *deteriores*; Aen. v. 522 *subito*] *subitum*, Ribbeck and Hirtzel with several *deteriores*; Aen. vi. 96 *quam*] *qua*, one MS, Seneca, Bentley, Ribbeck and Hirtzel; Aen. vi. 609 *et*] *aut* c, Nonius, Servius, Ribbeck, Hirtzel; Aen. ix. 412 *aversi*] *aversi*, one MS, Hirtzel, *ab versi*, Ribbeck; Aen. ix. 456 *spumantis*] *spumanti* y b, Ribbeck, Hirtzel; Aen. x. 805 *arte*] *arce*, two *deteriores*, Ribbeck, Hirtzel. In the following passages the reading of Ribbeck and Hirtzel might have been included in the critical note: G. IV, 412 *tam tu* for *tanto*; Aen. ii. 503 *ampla* for *tanta*; Aen. ii. 587 *flammae* for *famae*; Aen. v. 573 *Trinacrii* or *Trinacriis* for *Trinacriae*; Aen. viii. 108 *tacitis* for *tacitos*; Aen. ix. 539 *albis* for *armis*; Aen. x. 673 *quosne* for *quosque*; Aen. x. 705 *Paris* for *creat*.

The apparatus should be corrected in the following places: Aen. i. 193, where F as well as MR has *humo*; Aen. ix. 143, where Ianell gives *parvo* as the reading of FM, but according to Ribbeck the last letter in F is on an erasure; Aen. ix. 287, where there is no critical note; the reader would infer that *periculi est* is the attested reading, but *est* is omitted in PR and is by the second hand in Mb; Aen. xii. 221, where PR as well as M have *pubentes*, which Ianell accepts; Ribbeck and Hirtzel prefers *tabentes*; there is also a discrepancy between Ribbeck and Ianell as to the reading of M² at Aen. ii. 778; Ribbeck has *portare*, Ianell *asportare*.

The proofreading has been carefully done, but the following errors have escaped notice: page vi read A 11 487 for A 11 787; page 387 read 15 for 25 in the citation from Isidore; page 427 read VII for XII under *Umbro*.

CHARLES H. BEESON

Das Erbe der Alten. Neue Folge. Heft II: *Altgriechischer Baumkultus.* Untersuchungen von LUDWIG WENIGER. Dieterich'sche Verlagsbuchhandlung in Leipzig, 1920. Pp. vi+64. M. 3.50.

In this very gracefully written brochure the author, well known for numerous substantial monographs on religious history, discusses the significance of the symbolism back of the employment among the Greeks for a variety of usages of leaves and branches, mainly in the form of garlands, from special trees or varieties of trees. He finds the principal *causa efficiens* in an association of certain forms of plant life with the worship of the earth-mother, and here especially in a mantic relation. The interest is largely cultural and psychological, although, of course, the religious history of some of the great shrines and many related questions are taken up. The leading idea is thus expressed: "With the worthless leaves which the ancients wove

into garlands and honored as prizes for noteworthy achievement more highly than they did gold and precious stones, were connected the noblest conceptions. For they became symbols of reverence to the gods, of poetry, of manly strength, and of peace upon earth" (p. vi).

The four chapters following the Introduction treat of the mantic oak of Dodona; the laurel of Delphi, which, originating as a symbol of purification for the slaying by Apollo of the earthborn Pytho, was gradually transformed, as Apollo himself came more and more to represent music and poetry, into the meed of honor for pre-eminence in these arts; the wild olive of Olympia; and finally the cultivated olive of Athens. With the author's general thesis, namely, that at Dodona, Delphi, and Olympia, the worship of the great Olympians dispossessed the more ancient cults of the earth-mother and other female deities, the trend of religious-historical studies in recent years seems to be in accord. In fact one might well venture to go farther along this line than does even Dr. Weniger himself, and see in the connection between Athena and the olive at Athens an adventitious union, the result of the introduction, by conquest or otherwise, of a great deity which supplanted the older gods of the Attic plain. There is, indeed, a glaring incongruence between the terrible warrior maiden, that daughter of a mighty sire, whose huge spear lays waste not merely the ranks of heroes, but giants and on occasion very gods themselves, and the olive branch, the emblem of peace; and even the very latest legend could not forget that Athena won her pre-eminence on the Acropolis as the result of a struggle. The incongruence is only partially relieved by what is probably to be regarded as a secondary development, i.e., her patronage of arts and crafts, which seems to be due to late local developments at Athens, and in which she invades what is properly the sphere of Hephaistos, as, indeed, he is always closely associated with her in this capacity.

That the author does not emphasize those features of the local cults which might suggest that Athena has appropriated a sacred symbol of her predecessors seems perhaps due to his belief (following therein the famous work of V. Hehn, *Kulturpflanzen*, etc., 8th ed., pp. 104 ff., which, by the way, is quoted in the second edition; had the eighth [1911] been used, Schraders' well-considered rejection of Hehn's view might have been noted [pp. 120 f.]) that the olive was introduced into Greece at a comparatively late time (pp. 40 f.), when the worship of the earth-mother was nearly forgotten (pp. 47 f.). But this is, I venture to suggest, probably an error, for the olive was known and widely used in the Aegean world during the height of Minoan civilization. This is an important point in the history of culture, and because it has not been everywhere recognized as yet, the evidence for it, or such at least as has come to my attention, ought to be very succinctly indicated here. Olive stones have been found sporadically at Mycenae and in considerable numbers at Tiryns (Tsountas, 'Εφ. 'Αρχ., 1891, 15), at Palaiokastros in Crete (Bosanquet, *Ann. Brit. Sch.*, IX, 280, 288), at

Phaestus (Evans, *Ann. Brit. Sch.*, VII, 83, probably referring to those discovered in the cemetery near by; see Savignoni, *Mon. Ant.*, XIV, 635), at Peschiera (Lago di Garda) from the bronze age (Mosso, *L'Origini della Civiltà Medit.*², p. 278), at Mentone in the Riviera among palaeolithic remains (Schultz, *Zeitschr. f. Ethnol.*, XV, 401 ff.; some doubt attaches to this case, see Wittmack's suggestions, *ibid.*, pp. 403 f., but Schultz insists that the stones were discovered together with palaeolithic objects). A native Sicilian vase from a settlement near Syracuse, found with Mycenaean vases, has a design produced by pressing an olive leaf into the wet clay (Orsi, *Mon. Ant.*, II, 21 and Pl. II, 1). The olive tree is represented on works of art like the Vaphio cups (for the older literature see Orsi, *op. cit.*, p. 21, n. 1; Tsountas-Manatt, *Myc. Age*, p. 228; Schrader in the eighth edition of Hehn's *Kulturpflanzen*, etc., p. 120), the siege scene on the silver cup from Mycenae (Schrader, *loc. cit.*, Tsountas-Manatt, *loc. cit.*, think of wild olives, but the position close by the city wall suggests, as Schrader observes, a plantation); the Haghia Triadha sarcophagus (Paribeni, *Mon. Ant.*, XIX, 42; F. von Duhn, *Arch. f. Religionswiss.*, XII, 164; Dussaud, *Les Civilisations Préhelléniques*², p. 404), on pictographic tablets, frescoes, and vases at Knossos (Evans, *Ann. Brit. Sch.*, VII, 83; IX, 5; the representations in VII, 26, and VII, 110, may possibly be of the myrtle), on a vase from Pseira (Plate VII; compare Hall, *Aegean Arch.*, p. 98). What is probably an oil press was discovered at Thera along with Minoan ware (Dumont and Chaplain, *Les Céram. de la Grèce propre*, I, 31; Tsountas-Manatt, *op. cit.*, p. 79; Dussaud, *op. cit.*, p. 93), and what is certainly an olive press at Palaiokastros (Dawkins and Tod, *Ann. Brit. Sch.*, IX, 334; Dawkins, XI, 276 f.), and from this same place Bosanquet describes also "a group of jars which probably played a part in the manufacture of oil" (*op. cit.*, IX, 288), and an "oil separator" (*ibid.*, p. 279). At Knossos Evans has found the places in the palace where oil was prepared and handled, and these he calls the Court of the Oil Press and the Court of the Oil Spout (*Ann. Brit. Sch.*, VII, 82 f.; VIII, 8 ff.). Many of the great pithoi seem to have been stored with oil at the time of the destruction of the palace by fire, as the marks of a fierce conflagration are evident about the vats in the fourth magazine (Evans, *op. cit.*, VII, 83), in which connection it may be recalled that the preservation of many of the clay tablets is due to their having been subjected to this intense heat (Burrows: *The Discov. in Crete*, 18, after Evans, *op. cit.*, VI, 19 and 56; VII, 83 and 101). Lamps of a type which burn oil (that is, of course, olive oil) are comparatively numerous. They are listed and discussed especially by Burrows and Ure, *J.H.S.*, 1911, pp. 92 ff.. Pfuhl, *Arch. Jahrb.*, 1912, pp. 55 ff. Sir Arthur Evans, *Scr. Min.*, p. 59, even seems inclined to believe that the oil trade was the principal basis of the commerce upon which the prosperity of Crete depended (followed in this by Baikie, *The Sea Kings of Crete*, pp. 184, 222, 227), but that is perhaps pressing the evidence unduly.

Now as regards the relation of Athena to the olive, that is pretty generally regarded as original, but, although I cannot here enter upon a general argument, I am strongly inclined to believe (with Wilamowitz, *Aristoteles und Athen*, II, 37 f., Jane Harrison, *Themis*, pp. 170 ff., and Escher, *Pauly-Wiss.*, VI, 409, for the original independence of the group of old Athenian nature deities and their later subordination to Athena, see Usener, *Götternamen*, pp. 135 ff.) that Athena was an interloper on the Acropolis, and that, therefore, the sacred olive was not from the first in her care. It might be observed especially in this regard that the tree itself was in the sacred inclosure of Erechtheus (Herodotus vii. 55), where Athena could hardly have had prior rights, or else in the precinct of the closely related Pandrosos (Frazer on Pausanias i. 27. 2; Judeich, *Topogr. von Athen*, p. 252). Besides Ge had a statue only a few yards away, and a rock-cut inscription still testifies to her presence in the immediate vicinity. With Earth, the earth-born (Erechtheus), the spirit of the dew (Pandrosos, compare Jane Harrison, *op. cit.*, p. 172), and Zeus Morios (probably the sender of rain for the Moriai) it would seem that the olive was more naturally to be associated than with the Hellenic Walkyrie, who otherwise certainly had little enough to do with agriculture.

All this, however, is in the main incidental, and does not diminish the value of the delicate and sagacious delineation of the rites and the feelings of the early Greeks which they reflect. The whole is a valuable study in religious psychology and especially in a singularly beautiful type of symbolism which has proved alluring to all subsequent representatives of our common European civilization.

W. A. OLDFATHER

Die altgriechische Bühne. By AUGUST FRICKENHAUS. Strassburg: Karl J. Trübner, 1917. Pp. viii+131. 30 illustrations.

Apart from whatever value this book may possess for the specialist, the circumstances attending its publication make it a document of interest to a wider circle as affording a glimpse behind the scenes in Germany during the progress of the Great War. The proof was read by the author while engaged in the campaign about Mainz during the summer of 1917. Previous to that time, since the beginning of the war, he had had a furlough of but a single academic semester, during which he had hastily put the finishing touches on his manuscript. The book was then hurried through the press, not only because of the uncertainty attending the author's life, but also that he might anticipate the publication of a work on the Athenian theater undertaken and announced by the Austrian Archaeological Institute! Finally, although dedicated with evident exultation "zur Erinnerung an den dritten Kriegswinter," as events proved it was to be one of the last, if indeed not the last,

of the publications of the short-lived *Wissenschaftliche Gesellschaft*, in Strassburg. *Variam et mutabile semper—bellum!*

The first part of the treatise, "Die Dramen" (pp. 1-30), is but a meager sketch for whose incompleteness "Der Krieg und meine militärische Pflicht" is the excuse offered. In the second part, "Die Bauten" (pp. 31-131, including 27 figures and 3 plates), the disturbing effects of the war are less in evidence. This portion is a learned and stimulating, but on the whole disappointing, discussion of the known Greek theaters. Its value is impaired in the first place by the neglect of the historical approach. Following the example of Puchstein, for whose views the author evinces a lively sympathy, Dr. Frickenhaus divides the Greek theaters into three groups: Der östliche Typus, Der Rampentypus, Der westliche (not, as Puchstein, altattisch-westliche) Typus, and then proceeds to discuss the characteristics of each group and the peculiarities of each theater in turn, beginning, as does Puchstein, with the theater at Priene and ending with that at Athens. Thus the classification and treatment are descriptive rather than historical. Possibly the time is not yet ripe for writing a history of the development of the Greek theater. Certainly this treatise does not contribute to such a history, except in minor details. For one of the main theses of the argument is that Lycurgean theater at Athens and its predecessor differed from all other Greek theaters known to us: "Die athenische Bühne steht ganz allein" (p. 41).

The categorical tone of this pronouncement is characteristic and, taken in conjunction with the tendency to erect theories upon unsubstantiated conjecture, constitutes the second and chief blemish of the book. Although the author possesses full and accurate knowledge of his subject, one is compelled repeatedly to challenge his conclusions. Πολυμαθὴ νόον οὐ διδάσκει. A few examples will suffice to illustrate the dogmatic nonchalance of his reasoning, throughout which the word *muss* recurs with disheartening frequency.

There must have been two theaters at Athens during the fifth century, one in the precinct of Dionysus Eleuthereus, the other in the Lenaeum, because certain ancient notices mention dramatic performances in the Lenaeum "before the erection of the theater." By the word *θέατρον* in these notices must be meant the Lycurgean theater, for the reason that the pre-Lycurgean theater was already in existence at the time when Lenäenspiele were instituted (c. 450 B.C.).

The *eccyclema*, which was rolled out through the central door and was extensively employed by Aeschylus as well as by the other dramatists of the fifth century, is depicted on a fourth-century vase-painting of the *Eumenides*, where it appears as a stepped platform surmounted with columns and a roof. It follows that the similar *aediculae* in dozens of the vase-paintings from Southern Italy should be explained in the same way. Such a structure

could not have been less than two meters wide and three meters high, hence the door through which it was pushed must have been very large. The panels of this central door opened inward so as not to intercept the view when the *eccyclema* was thrust forth, but the side doors opened outward—a nice point which Dr. Mooney failed to observe. But both the hypothesis and its conclusions are unconvincing.

Menander, however, and his contemporaries did not use the *eccyclema*. A study of Menandrian comedy shows that at this period the two side doors only were employed. "Weil die neue Komödie das Mitteltor ignoriert, kennt sie kein Ekkyklema" (p. 21). When, however, plays based on the new comedy make use of three doors (e.g., *Phormio*, *Hecyra*, *Aulularia*, *Pseudolus*, etc.), the third door must have been introduced by the Roman imitator. For the stage of Menander was without exception a "Zwei Häuser-Bühne" (pp. 21-30).

The Lycurgian theater had no *proskenion*, but, instead, a large subterranean chamber, or rather two such chambers, one at the rear of the orchestra, the other immediately in front of the scene-building between the projecting members commonly called *paraskenia* (this term Dr. Frickenhaus employs in a different sense [p. 82]). These chambers (*Hohlräume*) were roofed over with wooden planks and constituted a sort of *logeion* on a level with the orchestra. "Es ist eine geniale Lösung die Athen in dieser Zeit . . . ausfindig machte" (p. 67). Above these two *Hohlräume* stood two two-stepped platforms or *podia*, relics, so to say, of the Aeschylean theater in which a *podium* was a prominent feature. "Das älteste Drama hatte an dem 'Podium' eine Art Oberbühne gehabt; etwas ähnliches blieb anscheinend bestehen. Denn ein grosser Altar oder Grabbau wie dort kehrt in vielen Tragödien wieder; gute Beispiele für viele sind das Grab in den Choephoren und der Helena, der Altar in König Oedipus und den euripideischen Hiketiden" (p. 5). This *podium* was "eine typische Unterbau, der mit geringen Zutaten in einer Altar, ein Grab usw. verwandelt werden konnte" (p. 69), "eine feste und typische Einrichtung des Spielplatzes" (p. 83), "nichts anderes als die vielgesuchte Thymele" (p. 86).

Evidence for the *Hohlräume* is found in the vertical cutting in the rock, marked E-F by Dörpfeld (*Das griechische Theater*, p. 57). But the theory of the "Podium" or "Chorpodium" or "Oberbühne" is based upon an interpretation of the scenic arrangements of the Aeschylean plays and is borrowed directly from von Wilamowitz (*Aischylos, Interpretationen*, 1914), and Noack (*Σκηνή Τραγική*, 1915). It is difficult, however, to conceive of a structure which "mit geringen Zutaten" could in one play represent a *κοινοβουλία*, in another a *στῆγος ἀρχαίων* and then again the tomb of Darius, in another the citadel of Thebes, in still another the grave-mound of Agamemnon. The theory does not hold together, and as presented by Dr. Frickenhaus becomes a *reductio ad absurdum*.

Finally, we may note that the author failed to observe the relationship that existed between the fifth-century theater at Athens and that of the fourth century, with the result that his reconstruction of the former is certainly wrong, as is also that proposed by Noack (Σκηνή Τραγική). In spite, however, of these and other questionable hypotheses and proposed reconstructions, *Die altgriechische Bühne* is not without value to the specialist. To others it cannot be recommended.

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Aperçu d'une histoire de la langue grecque. 2^e édition revue et corrigée. By A. MEILLET. Paris: Librairie Hachette, 1920. Pp. xv+254.

The appearance of a second edition of Professor Meillet's *Aperçu* indicates that the book has had the wide circulation which it deserves. Such a history of the Greek language, written on broad lines and in a fascinating style, makes an appeal to all concerned with the history of Greek civilization. The new edition, which is printed on a much wider page, is the result of a careful revision in which, as the author states, scarcely a page has remained unchanged. I select a few points for comment.

The chapter on the "Structure du grec commun" describes the phonetic and grammatical innovations of Greek. It would have been of interest to bring together also some of the equally characteristic lexical features, such as the substitution of εἷς for the old numeral for "one" (preserved in the sense of "ace," οἶνή), of ἀδελφός and ἀδελφή for the old words for "brother" and "sister" (φράτηρ preserved in a technical sense), the common use of ἔχω, λαμβάνω, βούλομαι, ποιέω, and many other words which, while of IE affinities, play a conspicuously distinctive rôle in the Greek vocabulary. This is entirely apart from that element of the vocabulary which may have come into Greek from the Aegean languages and is discussed by the author in the next chapter.

The chapter "Le grec et les langues voisines" opens with the remark that if we knew what languages were encountered by those who brought with them the Greek language we might attempt to discover what peculiarities of Greek pronunciation and grammar were due to the populations that the Greeks assimilated and what words were taken over from the earlier languages of the region. "Le problème se pose; on n'a pas des données pour le résoudre." But there follows, in a paragraph inserted in the new edition, the emphatic assertion: "Une seule chose est sûre: les innovations qui font que le système grec diffère essentiellement du système indo-européen supposent des tendances bien distinctes de celles qui caractérisaient l'indo-européen, et, par suite, l'action de populations indigènes avec lesquelles se

sont mélangés les envahisseurs de langue indo-européenne. En passant de l'indo-européen au grec commun, on entre dans un monde nouveau." Is it so certain that the divergence of Greek from the parent speech must be due to the non-Indo-European speech tendencies of the indigenous populations? I fail to see that the prehistoric changes involved therein are more fundamental than changes that have occurred in the historical period of say Greek or of English, without appreciable external influence except in vocabulary. I am not denying that the influence of an alien substratum is one of the possible factors in phonetic and morphological change. But I believe that its scope is greatly exaggerated nowadays by perhaps the majority of linguistic scholars,¹ some of whom make it the prime and almost universal factor (whereas it is often obviously inapplicable, as in the case of the sweeping vowel-shift in English since Chaucer's time). The instances in which the doctrine is supported by tangible evidence are few in number compared to those cases in which it is only a convenient hypothesis, the supposed influence of a linguistic substratum of which one has no scrap of actual knowledge. Furthermore, as Professor Meillet himself remarks in a later passage (p. 39), "la même où l'on a sur les populations antérieures à l'installation d'une nouvelle langue dans une région des données précises, on n'arrive guère à déterminer en quoi la substitution d'un idiome à un autre a commandé l'évolution ultérieure. Les romanistes ne sont pas arrivés à se mettre d'accord sur ce que la forme prise en Gaule par le latin peut devoir à l'influence gauloise, et tel romaniste éminent va jusqu'à dénier presque toute action au gaulois sur le développement de la prononciation ou de la grammaire du gallo-roman." Yet it is in just this field, comparatively favorable for demonstration, since something is known of the Celtic of Gaul, that the whole theory was started by Ascoli. After all, it is only the influence of the indigenous languages on the Greek vocabulary that the author elaborates in the course of the chapter, and of such influence there can be no reasonable doubt.

Page 57. The substitution of *-της* (*-tās*) for *-τηρ* in agent-nouns has no doubt gone farther in Attic-Ionic than elsewhere. But *δικαστής*, which is mentioned as Arcadian also, occurs likewise in Cretan, from the time of the earliest records, and in other Doric dialects. In connection with the survival of *-τηρ* in Attic-Ionic in special cases like *σπηρ*, one might have added the class of words denoting concrete objects, utensils, etc., which were no longer felt as agent-nouns, e.g., *κρατήρ* "mixer, bowl," *στατήρ*, etc.

Pages 63, 64. Lesbian and Thessalian *πέμπε* (= *πέντε*), which is not mentioned, shows that the Aeolic labial instead of usual dental from IE labio-velar before *ε* is not restricted to the initial position; and Hom. *πίσυρες*, which is later (p. 123) quoted among the Aeolisms of Homer shows that it

¹ Against such exaggeration, cf. Jespersen, *Phonetische Grundfragen* 178; Pusçariu *Z. f. rom. Phil.* Beiheft 26, 46 ff.

may occur before *ι*. Neither the author's nor any of the other attempts to formulate the precise conditions has proved satisfactory.

I am frequently at variance with the author's judgment regarding the significance for the dialect relations of this or that particular point of agreement, and I cannot wholly accept the principle (which he has also laid down elsewhere, as in his attack on the unity of Balto-Slavic) that only the innovations count and that even a whole series of points of agreement in conservation, such as are many, though not all, the characteristics common to the "occidental" or West-Greek group, is strictly without weight. But it would take too much space to discuss these matters here, in which, moreover, a certain degree of subjectivity is inevitable. No essential disagreement as to the classification of the dialects is involved.

Probably the majority of classical readers will be most appreciative of the second and third parts with the clear-cut descriptions of the literary dialects and the evolution and later history of the *κοινή*.

C. D. BUCK

M. Tulli Ciceronis de Divinatione Liber Primus. With a commentary by ARTHUR STANLEY PEASE. Parts I and II. "University of Illinois Studies in Language and Literature." Vol. VI, Nos. 2 and 3. Published by the University of Illinois.

Professor Pease has done a great service to scholarship in providing what was hitherto lacking—an edition of the *De divinatione* that could take its place beside the adequate English and German editions of Cicero's other philosophical works. Students of ancient philosophy and religion, whether they accept all of Professor Pease's conclusions or not, may consult him with the confidence that they will not be put off with vagueness or evasion but will find all difficulties thoughtfully examined with abundant reference to the modern literature of the subject—German, French, English and, it is pleasant to add, American. The notes are mainly exegetical, text criticism being usually limited to explanations of the deviations from the Teubner edition of 1878 or readings unsupported by any of the MSS of the C group. The full notes emphasize chiefly the history of philosophic ideas, religion, religious antiquities, and, I regret to say, folklore. But they do not neglect questions of Latin usage or Ciceronian criticism and style. Especially interesting are the copious annotations of the fragments of Ciceronian and other early Latin verse.

The introduction presents a good account of the relation of the treatise to Cicero's other philosophical works, a sketch of its influence on subsequent literature, and a summary of German theories as to Cicero's sources in which Posidonius, of course, is prominent. Of this line of inquiry I can only say in Cicero's own words, "*quis negat . . . disciplinam esse?*"

Divinationem nego." I do not deny that Cicero copied late and second-hand authorities when it pleased him. My skepticism concerns the ability of modern scholars to divine that a given Platonic quotation must have been borrowed from Posidonius and was not taken directly from the Plato whom Cicero studied at school and preferred to all other philosophers and whom he knew more intimately than some of his critics seem to do who overlook his plainest references.

[In *De off.* i. 15 for example "formam . . . honesti vides: quae si oculis cerneretur mirabiles amores (ut ait Plato) excitaret sui." Wilamowitz (*Platon*, I, 346) misses the clear reference to *Phaedrus* 250 B and speculates wildly how "Hübsch" it is "wie Cicero sich hilft wo er aus Panaitios einen Hinweis auf die Schau des Ewig-schönen im Symposion wiedergegeben hat, *De officiis* i. 15, um die Idee Platons in seiner Sprache zu übersetzen."]

The relation to Plato may help to solve another problem that troubles Professor Pease; why, though an avowed academic, does Cicero say in the *De natura deorum* and repeat in the *De divinatione* that the Stoic view of the gods appeals to him more than the skeptical doctrine expounded by Cotta? Why because Cicero's skepticism like Plato's applies chiefly to absolute metaphysics. In practical religion and ethics the attitude of both is essentially Stoic though free from the pedantry of Stoicism. Chapter 72 of the second book of the *De divinatione* contains Cicero's real creed, which is the creed of all sensible—Platonists throughout history. His personal faith is a wistful and hopeful ethical deism. But he wished to preserve the institutional religion of his country, and he has not the slightest sympathy either with the excesses of popular superstition, on the one hand, or with the anti-religious propaganda of "enlightenment" and rationalism, on the other.

It is not possible here to exhibit the wealth of material collected in Professor Pease's notes, still less to criticize them. Among the longer notes, sometimes developed into little monographs, may be mentioned astrology, pages 41 and 139; Dodona, page 45; Sibylline verses, page 50; *philosophorum*, 53; Socrates *omnesque Socratici*, 55, 56; Posidonius, 61; *sortium*, 72; *cornicem* 75; Aratus, 78; *acredula*, 83; *fissum in extis*, 94; Summanus, 98; alliteration, 102, which is now perhaps superseded by the portentous industry of Professor W. G. Evans' *Aliteratio Latina*; planets and comets, 103-5; fossils, 124; Roman examples in Cicero, 135; *ne respicerit*, 182; *devotio*, 185; taboos of beans and other foods, 203; infants fed by bees, 229; climate and national character, 234-35; the magnet, 247; earth, the womb and tomb of all, 330, where he might have consulted with profit Miss Beers's Chicago dissertation on *Euripides and Later Greek Philosophy*, page 42.

To touch on a few minor matters, on i. 6. 10 "si quidem ista sic reciprocantur ut et si divinatio sit di sint, et si di sint sit divinatio" Professor Pease comments "appropriate for such argument; cf. battledore and shuttle-

cock." Compare rather Plato, *Phaedo* 76 E. καὶ εἰ μὴ ταῦτα οὐδὲ τότε with the context. Battledore and shuttlecock would more aptly illustrate stichomythia than this serious interdependence of arguments.

At xxiii. 46 "quod matris somnium immanis filii crudelitas comprobavit" I miss a note on the rhythm, which is conscious. Cicero is patterning his style here on the sentence which he praises in *Orator* 63 "patris dictum sapiens temeritas filii comprobavit." In i. 53 "singulari vir ingenio Aristoteles," what possible reason can there be for taking this as "characteristic of the encyclopedic Posidonius" rather than as Cicero's own opinion? In i. 51. 115 "animus . . . quia vixit ab omni aeternitate," etc. I fear that Professor Pease has again yielded to the Posidonius obsession. We know that Plato was acquainted with *Phaedrus* 247-49 and presumably with *Meno* 81 B. No more is needed. Again in 52. 118 "aut adfingit aut mutat aut detrahit" he has, if I may say so, been bluffed by Schmekel and the Posidonius legend into citing Stobaeus, *Ecl.* 117 διαίρεσιν . . . ἀλλοίωσιν . . . σύγχυσιν. If Cicero required authority he need not have looked farther than Lucretius ii. 769-70.

materies ubi permixta est illius et ordo
principiis mutatus et addita demptaque quaedam

which he of course knew.

These and other minor differences of opinion do not of course in the least impair the value of this excellent edition which is one of the most useful and learned pieces of work that any American scholar has to his credit.

PAUL SHOREY

Der junge Platon. By ERNST HORNEFFER. Part I. Sokrates und die Apologie. Giessen: Alfred Töpelmann, 1922.

Professor Horneffer believes that the most significant parts of a philosopher's life and writings are those that reveal the formation of his ideas and the shaping of his opinions. He proposes to undertake a fresh study of the youth of Plato from this point of view. The recent works of Pohlenz and von Arnim, and what he aptly characterizes as "Wilamowitz' Stimmungsentwicklung Platons," have, he thinks, not only not solved, they have not even stated the problem. His own solution is reserved for a later book. But to judge by the introduction to the present volume, his leading idea is that the religiosity of Plato and Socrates is a sincere resistance to the skeptical "enlightenment" of the Sophistic age and not merely the respectful acquiescence in traditional religion which is all that scholars who are themselves skeptics have seen in it.

This prepares the way for the main thesis of the book which is that the Delphic oracle which pronounced Socrates the wisest was genuine, was

taken seriously by Socrates, and did actually determine his mission as he describes it in the *Apology*. The objection that the oracle which is supposed to have shaped Socrates' life presupposes that he is already a well-known personage he meets by a distinction. The mission of gadfly to somnolent Athens Socrates undertook in consequence of the oracle at the age of fifty. Before that he was a disciple of the physicist Archelaos, well known to an inner circle but not the Socrates who examined men in the market place on the state of their souls. It is this earlier Socrates that Aristophanes' *Clouds* portrays, in caricature to be sure, but on a basis of truth without which the comedy could have had no meaning. This is interesting and plausible enough. But why will Professor Horneffer spoil it by trying to prove too much? In Aristophanes' words *ὅτι βρενθίει τ' ἐν ταῖσιν ὁδοῖς* he sees evidence that this earlier Socrates strode proudly through the streets and did not stop to buttonhole his fellow-citizens in democratic fashion for the good of their souls.

The *Apology*, then, is a faithful report of Socrates' speech and demeanor at his trial. Plato, the artist, dealt freely even in the earliest dialogues with Socrates' ideas and frequently made him the mouthpiece of his own. But in the direct personal portrayal of the man in the crisis of his life he was faithful to fact. This, Horneffer argues, is a priori probable, and there is no evidence to support the various technical and legal objections that have been raised to the conduct of the trial as described by Plato.

My only criticism of all this is that which I would oppose to any attempt to reconstruct the historical Socrates out of Plato and Xenophon. How do you know? Professor Horneffer says that Socrates was greater than his disciples represented him. That is true only in the sense that an inspiring personality is always greater than any literary portrait. But the Platonic Socrates is evidently too good to be true. If we include the intellect, he is the highest ideal of man that the human mind has ever conceived. That ideal is the creation of Plato, and we have no evidence to reconstruct the reality except our feeling that it must have been very wonderful to inspire Plato to this result.

Professor Horneffer cites only recent German publications. There is no allusion to any English, French, or American work. That is a pity, and I hope that it is not intentional. We philologists, whatever our political background, cannot afford to ignore one another in a world of science and materialism that is inclined to ignore us altogether. Even the well-organized philology of Germany will lose by isolation. Professor Horneffer has apparently not heard of Burnet's and Taylor's view of the character of Socrates and the bearing of Aristophanes' *Clouds* upon it. He does not know Faguet's *Pour qu'on lise Platon*, which anticipates and qualifies his idea of Plato's attitude toward traditional religion. He is unaware that Gomperz' epigram about the union of warm heart and cold head in Socrates comes from Emerson's essay on Plato. He discusses the legal aspects of the *Apology*

with no reference to Professor Bonner's illuminating paper on the subject.¹ He has not observed that his criticism of Gomperz' denial of protreptic purpose to the "real" Socrates was anticipated long ago in this journal.²

Not the least interesting portion of the book is the appendix on *Das delphische Orakel als ethischer Preisrichter*, by Professor Rudolf Herzog. This is intended to support Horneffer's contention that the oracle about Socrates is genuine. Professor Herzog studies in detail the edifying anecdotes of similar pronouncements by the oracle of Delphi in answer to the typical questions: who is the most pious man? who is the wisest man? who is the happiest man? I cannot take space to analyze this little treatise which is a model of compact and clear exposition. But anyone who is interested in the history of the *rustica Phidyle* idea, the Solon-Croesus story, or the legend of the seven wise men will do well to consult it. The edifying anecdotes here collected of course do not prove the reality of the pronouncement about Socrates. They only show that to Greek feeling there was nothing strange or unreasonable in Chaerophon's putting such a question to the oracle.

PAUL SHOREY

Aus Goethe's Griechischer Gedankenwelt. VON KARL BAPP (Das Erbe der Alten, Zweite Reihe VI). Leipzig: Dieterich'sche Verlagsbuchhandlung, 1921.

This little volume is intended as a supplement to Ernst Maass's *Goethe und die Antike*. It may serve the same purpose in relation to William Jacob Keller's "Goethe's Estimate of the Greek and Latin Writers," (bulletin of the University of Wisconsin,) which Professor Bapp evidently does not know. Sixty out of the ninety-nine pages of this volume are occupied with a study of Goethe and Heraclitus, who is not mentioned in Keller, and only glanced at by Maass. Bapp admits, however, that his profuse quotations from Goethe are proofs of *Wesensverwandtschaft* rather than of direct literary imitation. The analogues and parallels which he has collected will be very interesting to the general student of literature and philosophy, and of the history of ideas. The philologist will have some reserves. Goethe's acquaintance with Schleiermacher's edition of the fragments of Heraclitus seems to date from 1806. Before that he of course could pick up isolated quotations in his general reading in the history of philosophy and in the classics. Professor Bapp, however, who is sure that Heraclitus was a "monist," discovers Heraclitean influence and analogies, not only in any and every expression by Goethe of the ideas of flux, relativity, the identity

¹"The Legal Setting of Plato's *Apology*," *Classical Philology*, III (1908), 169 ff.

²Shorey, review of Gomperz' "Greek Thinkers," *Classical Philology*, I (1906), 295 f.

of contraries, the cycle of life and death, and the logos, which Goethe might have picked up from Giordano Bruno, the Stoics, Cicero's philosophical works, and Lucretius, but also in all poetic and dialectic developments of "pantheism." Thus Spinoza and Hegel contribute to Goethe's Heracliteanism, and Herbert Spencer would have done so, if Goethe had known him.

Newer and more useful to the present reviewer is the compact little essay on Goethe's *archeologische Arbeiten*, which assembles facts not given by Keller or Maass, and much more significant for Goethe's intellectual life than the extremely vague parallels with Heraclitus. The chapters on Goethe and Euripides and Goethe and the *homerische Frage* contain less matter than the corresponding sections in Keller.

But with the guidance of Wilamowitz Bapp offers a more critical treatment of Goethe's attempted restoration of the Phaethon.

PAUL SHOREY

Bronzi Arcaici e Ceramica Geometrica nel Museo di Bari. By MICHELE GERVASIO. Bari, 1921. 8vo., pp. xii+371, 18 pls., 84 figures in the text. 40 Italian lire.

This work forms Vol. XVI of the *Documenti e Monografie* brought out under the direction of the "Commissione Provinciale di Archeologia e Storia Patria." It is excellently produced, the type is clear and accurate, the figures in the text happily chosen to illustrate special points, and the plates are admirable, especially the two in color, which give an excellent impression of the unusual group of ceramics treated in this monograph.

The majority of the objects were found on the slopes of Monte Sannace in an archaic necropolis where the graves differed in character according to the level at which they were found. Some were rectangular trenches cut in the bare soil with large stones at each corner to sustain a heavy stone slab. At a slightly greater depth the graves were hollowed out in the tufa, and they also were covered by the slab. But more frequent is the tomb made of a large monolithic tufa sarcophagus, buried at a depth of 1 m. 50. These sarcophagi are often found in the district, and are used by the peasants as water troughs for their cattle.

The funereal objects are usually discovered, not in the sarcophagus, but piled outside at the head of the coffin. When uncovered the bodies were often found wrapped in mantles woven with gold and silver thread which instantly crumbled away upon exposure to the air.

The ceramics of the archaic necropolis may be divided into two groups, indigenous and imported.

The co-existence of Corinthian products with certain Ionic elements is confirmed by two most important specimens, a Corinthian crater and a

stamnos Ionicising in style. The crater is of the usual shape, the body divided into two zones. The narrow lower zone is decorated with five grazing gazelles, five leopards and a solitary waterfowl. In the middle of the broad upper zone are three winged horses galloping to left, each mounted by a rider whose body is completely hidden by his steed's wings; only their beardless faces protrude, and their hands grasping the reins and a trident. These riders are labeled in archaic Greek lettering "Poseidon," and the crater furnishes important evidence for the diffusion of his cult throughout Apulia.

The stamnos is an uncommon shape; the shoulder is adorned with stars and palmettes and the body illustrates two scenes. In one Herakles lies asleep on the ground with his club, bow, and quiver at his feet; from the right a Satyr advances with furtive steps, intent upon stealing the club of the sleeping hero. In the second scene a large amphora stands on the ground beside a table on which are three smaller vessels. In the middle of the scene two Satyrs are grouped around a brazier over which one of them holds a jar containing some substance which boils or dissolves in the heat. A third Satyr bends over a bowl placed upon a high stand. The author here sees the caricature of a potter's workshop; one Satyr kneads the clay for the pots, the other two melt the varnish, and to right are the finished specimens of their work. This attractive theory is not wholly convincing, but both scenes are treated in the spirit of caricature which we only find again in the Kabeiroi vases. The stamnos may be dated towards the middle of the sixth century B.C.

Various isolated tombs and smaller necropoles are described, and then the author discusses the rich tomb discovered at Noicattaro. Here the vases, Corinthian and local geometric in type, were found outside the monolithic sarcophagus, heaped around the head and covered with a bronze shield. The bronze objects consisted of an oinochoe, shield, belt, and a pair of long narrow strips with the design beaten out, consisting of metope-like scenes which depict heraldic sphinxes, Achilles and Penthesilea, Herakles and the lion, Theseus and the Minotaur, and heraldic lions. The strips were finished off at each end by a palmette, recalling the finial surmounting early *stelae*. The author compares these strips with the similar ones found at Olympia, Aegina, Gela, and other sites and concludes that they are Argive-Corinthian, and that they probably decorated scabbards, because they are long, narrow, and applied with little nails more suitable to penetrate a leather foundation than to pierce a wooden core as would be necessary if they adorned a coffer or throne. However, the clean cut through both strips, made without regard to the metopes thus disfigured, suggests that they were wrought without precise destination, and were afterwards cut to the required length. Strips of this type may be dated at the end of the seventh century.

The belt is also ornamented with a beaten pattern of six *quadrigae* racing to right. Under the horses' feet a boar or dog is placed alternately.

The use of *quadrigae* is one of the strongest reasons for excluding the belt from the cycle of Ionic art. Moreover the charioteers hold a goad, not a whip, and all the details of the chariots point to the Mainland rather than to the Ionic type.

By a painstaking analysis of the Apulian geometric style the author has been enabled to make a definite classification of the types of vases found. Those painted in two colors show a dull black and a purplish red which tends to become violet. Of the two colors red prevails on the archaic shapes whilst it is sparingly used on the later examples. Yet it is probable that originally Apulian geometric followed the simplest path and made use of one color, black, only; later red also was added. For a time monochrome and vases in two colors were manufactured contemporaneously; in a later phase, the potters abandoned the use of red, most likely for technical reasons, since the red color was not very fast and did not incorporate satisfactorily with the clay.

A design of single, double, or even triple reversed semicircles seems to go back to the late Mycenaean period, as do the spirals and complete circles, whereas the tongue patterns derive from Corinthian ware. The earliest instances of the meander show its derivation from recurring spirals, for the angles are still somewhat rounded and the whole design is set aslant, but it gradually usurps greater importance until in some cases it forms the chief ornament on the body of the vase. Still more prevalent is the *swastika*; indeed it is one of the characteristic motives of Apulian pottery. The human figure, although of rare occurrence, is rendered by an opaque silhouette of two triangles after the fashion of Dipylon ware, but one can trace the simplification of the design until it becomes a mere broken meander. Similarly the zones of water birds lose more and more of their natural form and degenerate into conventional signs.

The author concludes that the streams of Greek influence found a fruitful soil in Apulia where the Bronze Age had left the tradition of well-made pottery adorned with an extensive repertory of designs. He believes that the geometric style was diffused throughout Apulia by means of the Proto-Corinthian and perhaps the Argive geometric. Although the first attempts may go back even to the eighth century B.C., yet the greatest development of the Apulian geometric may be fixed from the middle of the seventh to the middle of the sixth century: it gradually yielded before the invasion of Attic red-figure vases, and entirely disappeared in the beginning of the fifth century with the rise of the Italian fabrics, amongst the most celebrated of which were those of Ruvo and Ceglie.

The author has co-ordinated and classified the results of his investigations and has not only enriched the museum of Bari with the important fruits of his careful excavations but has enlarged our knowledge of this complicated subject by his admirable analysis of the material so acquired.

The book is written in such an agreeable style that we only dimly realize the long research and painstaking study which enabled the author to draw such illuminating comparisons and present what might have been a dry subject in such a lucid and attractive form.

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The Platonism of Philo Judaeus. By THOMAS H. BILLINGS. University of Chicago Dissertation. Chicago: University of Chicago Press, 1919. Pp. viii+105.

In his first chapter Dr. Billings gives a clear and concise survey of the history of Philonic interpretation. It is interesting to note that he is not convinced by the arguments of the scholars who try to show that Philo is largely dependent upon Posidonius. At the end of this chapter Billings states his own point of view: Philo's thought is essentially Platonic, though he frequently adopts the terminology of other schools, and at times assumes a syncretistic attitude, as, for example, in identifying the Platonic Ideas, the Stoic logoi, the angels of the Old Testament, and the Greek demons.

In the second chapter, on Philo's conception of the ultimate reality, Billings points out Philo's agreement with Plato and opposition to the Stoics in teaching a dualistic theory of the universe. Philo has been accused of two inconsistencies in his doctrine of God. "On the one hand it is said that while he regards the ultimate reality as an impersonal principle, the supreme genus comprehending in itself all the multiplicity of the species, he puts alongside of this the Jewish conception of a living, personal God. Others point out that while he insists that God absolutely transcends the universe he is equally insistent on the Stoic doctrine that the universe is created, filled, and governed by him." But these inconsistencies are already present, fully developed, in Plato. Zeller is wrong in asserting that Philo's use of *οὐσία* for matter means that he adopts a Stoic point of view opposed to that of Plato.

Billings rejects, after Shorey, the identification of Plato's God with the Idea of Good, but he adds: "Whether we make this identification or not, God is still for Plato beyond the world of ideas." Billings makes no attempt to prove this assertion, and I think it is quite impossible to prove it. Further, the identification of God and *τὸ ὄν* is a mere reconstruction. Neither *Sophist* 249 A, which can hardly be called "an eloquent digression," nor *Timaeus* 38 AB really identifies the two, though, of course, *τὸ ὄν* includes God. But it is highly probable, as Billings says, that Philo regarded *τὸ ὄν*, especially in the *Parmenides*, as a philosophical term for God.

On page 16 Billings says: "It is sufficient here to point out that the vision of true being is, for Plato, attained, not through intellectual activity, but in moments of divine madness, and under the influence of Eros," and he cites *Phaedrus* 249 C-E, and *Symposium* 211 E. But a careful reading of these passages will convince anyone that the vision of ideal beauty, even, can come only after intellectual activity. We may observe how in the *Symposium* Plato uses the language of the intellect; cf. 210 D: κατίδη τινὰ ἐπιστήμην τοιαύτην, ἥ ἐστι καλοῦ τοιοῦδε, and 211 C: ἕως ἀπὸ τῶν μαθημάτων ἐπ' ἐκείνο τὸ μάθημα τελευτήσῃ, ὃ ἐστι οὐκ ἄλλου ἢ αὐτοῦ ἐκείνου τοῦ καλοῦ μάθημα. The meaning of the *Phaedrus* is essentially the same. The notion of θεία μανία contributes little new.

In note 8, page 17, Billings quotes *Tim.* 29 C D to illustrate Plato's belief that God is beyond knowledge. But this passage says rather that we cannot demand so accurate an account of the phenomenal and sensible as of the intelligible. *Sophist.* 249 A, quoted in note 1, page 18, is no parallel for the idea that God is unmoved. One may question whether Philo's phrase applied to God, περιέχων μὴ περιεχόμενος has any connection with *Parmenides* 138 AB, according to any conceivable interpretation of this passage.

In chapter iii Billings discusses the intermediary powers. "And here, as elsewhere, it is the breadth of Philo's learning, the eclecticism of his style, which has misled scholars. He permits himself to use the expressions of many schools without departing at all from the unity and consistency of his own thought. The clue to his thought here, too, is Platonism, the mingling in Plato of sound, consistent, logical thought with the fervor and imagination of the religious teacher and the maker of myths. These two elements are present in Philo's teaching." "The λόγοι are primarily thoughts in the mind of God, or phases of divine activity. They are Philo's equivalent for the ideas of Plato. Under the influence of the religious imagination they are hypostasized and endowed with personality. It is, then, with conscious use of metaphor and myth that Philo speaks of the Logos and Logoi as personal." "The Logos is primarily the idea of the universe." The Stoic doctrine of the Logos, Billings thinks, has close affinities with the Platonic doctrine of the idea of Good, and is a development of it. The Aristotelian use of ὁρθὸς λόγος in the ethical sense also helped determine the content the Stoics gave the λόγος.

"Philo's doctrine differs from that of the Stoics, then, in these two ways: he rejects their materialism and their identification of the Logos with the Supreme Being. It is in these two aspects and only in these that the Stoic Logos differs from the Platonic Idea of Good." Billings rejects Bréhier's contention that the variation in Philo's interpretation of ὁ κατ' εἰκόνα ἄνθρωπος lends support to the theory that the *De opificio mundi* and the *Allegories* belong to different series of treatises. Philo is influenced in the mythology of the Logos by the demonology of *Symposium* 202 D ff., and the doctrine of

the created gods in *Timaeus* 41 A ff., and by the myth of the Phaedrus. Philo makes a large use of Stoic terminology throughout this part of his teaching, but his constant emphasis on the incorporeality of the Logoi, his identification of them with the Ideas, ought to be accepted as proof that he did not seriously accept the materialism of the Stoics.

Billings is doubtless right in holding that much of what Philo says about the Logos and the Logoi is myth; also in emphasizing his divergence from Stoic materialism. But we cannot accept the derivation of the Stoic Logos as well as that of the Philonic Logos from the Idea of Good. "Both (i.e., the Idea of Good and the Stoic Logos) are, in their respective systems logical and ethical first principles, both are represented as the cause of all that exists, both are hypostasized and become the objects of aspiration and desire." Billings' account of the Idea of Good is based on Shorey's *Idea of Good in Plato's "Republic."* But the reader, unless acquainted with Plato's text, would naturally suppose that the phrase from *Phaedo*, 101 DE, which Billings introduces into the discussion, comes from the *Republic*. He goes on to point out the affinity between $\delta \delta\rho\theta\delta\varsigma \lambda\acute{o}\gamma\omicron\varsigma$ in Aristotle and the Idea of Good. " $\delta \delta\rho\theta\delta\varsigma \lambda\acute{o}\gamma\omicron\varsigma$ is the Platonic Idea of Good restricted to the ethical sphere and with the mystic, metaphysical elements excluded." We should say rather, that if we restrict the Idea of Good to the ethical sphere and exclude the mystic, metaphysical, and poetical elements, we get the *summum bonum*, the end with reference to which our lives are to be conducted. The $\delta\rho\theta\delta\varsigma \lambda\acute{o}\gamma\omicron\varsigma$ is the right rule in the mind of the $\phi\rho\acute{o}\nu\eta\mu\omicron\varsigma$ which enables him to conduct his life with reference to this end. Billings' phrase on page 33 " $\tau\acute{o} \tau\acute{\iota} \eta\nu \epsilon\acute{\iota}\nu\alpha\iota$ and $\epsilon\acute{\iota}\delta\omicron\varsigma$, expressions which are Aristotelian equivalents for the ideas of Plato," is highly inaccurate.

Billings offers no evidence to prove that the Stoic Logos is derived from the Idea of Good, save the fact that they occupy a similar position in their respective systems. "This reason (the $\lambda\acute{o}\gamma\omicron\varsigma$) differs from the Platonic Idea of Good in that it is identified with God, and in that it is material." And Billings adds in a note "As in Plato we trace things back to one supreme idea, so in the Stoics we trace the $\lambda\acute{o}\gamma\omicron\iota$ $\sigma\pi\epsilon\rho\mu\alpha\tau\iota\kappa\acute{o}\iota$ back to the supreme $\lambda\acute{o}\gamma\omicron\varsigma$." But the Idea of Good is the primal cause in the sense that the end or purpose of a thing is its true cause. Further, it is unlikely, especially in view of the argument in the *Sophist*, that Plato thought any of the chief Ideas could be derived from any other Idea. Interpreters who derived the Ideas from the Good made the Good equal to God. That the Stoics may have been influenced by Plato's constant affirmation of reason and purpose in the universe is very possible, but to admit this is not to affirm the identity of the Good and the Logos.

According to Billings, Philo's doctrine of the Logos differs from that of the Stoics in just the two points in which Plato's doctrine of the Good differs from it. Now it is obvious that Philo's Logos is not God. But though the Good and God are not to be identified in Plato, we have not the

least intimation that the Idea of Good is subordinate to God, as is Philo's Logos. Nor can we find any interpreter of Plato saying of the Good, as Philo says of the Logos, that it is the revelation of God in so far as this can be made in the world of becoming, the activity of God in so far as this can display itself in the universe, the God of us who are imperfect. But that Philo's doctrine of the Logos is, in part, at least, to be derived from Platonism, cannot be questioned. The subject, however, cannot be discussed profitably apart from the consideration of the history of Platonic interpretation. It is bound up most closely with the theory which made the Ideas thoughts of God, and with the disposition to interpolate entities between God and the world.

One particular point of interpretation may be noted. On page 29, Billings translates *De somniis* i. 127 thus: "The divine place, the holy country, is full of incorporeal λόγοι. These λόγοι are immortal souls. Of these Logoi He takes one, choosing as the best the highest one, one which is, so to speak, the head of the united body, and gives it a firm foundation near His own thought." The reader cannot escape the conviction that the subject is God. But it is plain from the context that the subject is Jacob, the ἀσκητής.

In chapter iv Billings discusses Philo's theories of the soul and its powers, and reaches the conclusion that here, too, Platonism is the foundation of Philo's thought. Though he divides the soul differently on different occasions, "the one distinction which persists is the one which is important for ethics, the distinction, that is, between the rational and irrational parts of the soul." Billings is inclined to think, rightly, it would seem, that the term πνεῦμα, used of the soul, admits of metaphorical explanations, and does not commit Philo to the materialistic conceptions of the Stoics. Philo's account of φαντασία and ὁρμή is Stoic throughout, as is the theory of the physiology of sensation. Knowledge obtained by human reason, according to Philo, is weak and partial, full of error, subject to change and revision. Philo's doctrine of inspiration may be paralleled in Plato. "The poet, the philosopher, the law-giver, the prophet, and the rhapsode all act, according to Plato, under the influence of divine inspiration. This renders them incapable of themselves knowing what they say. The work produced under the influence of inspiration is at times half-playfully taken as a source from which we may get truth inaccessible to ordinary human thought. . . . So in Philo not only the writers of the Old Testament but the philosopher, the prophet, and law-giver are regarded as inspired."

We should distinguish somewhat more carefully than Billings has done, between what was presumably Plato's real meaning and the sense which a man like Philo may have got out of the passages to which Billings refers. It is plain that Plato is ironical in his treatment of the inspiration of the poet, the politician (for it is the politician, not the law-giver, to whom Plato refers in *Meno* 99 D), the prophet, and the rhapsode. To speak of the

inspiration of the philosopher is only misleading. He is inspired only in the sense that he has raised himself to the contemplation of the highest realities, which are divine. One of the main points of difference between the philosopher, on the one hand, and the poet and politician, on the other, is that the former knows exactly what he is saying, and why, whereas the latter do not. But, although Plato has no real belief in inspiration, it may very well be that Philo would have interpreted him as believing in it. On page 49 in his account of Aristotle's division of the soul Billings does not distinguish the active and the passive intellect. *De cherubim* 97, quoted on page 66, is no parallel to *Theaetetus* 185 A ff. for the idea that "the general principles, the categories by which we know, are not given by the senses."

In chapter v Billings discusses Philo's ethics. Philo's ethical ideal is much the same as Plato's. In Philo's doctrine of *πίστις* there is really nothing un-Platonic. "In both authors the world of ideas is a world of concepts made objective, including, besides moral and intellectual notions, the ideal counterparts of all things. It is not identical with the moral consciousness in Philo." It is not true, as Bréhier affirms, that "Philo differs from Plato in that he finds the principle of morality, not in nature, but in withdrawal into the inner life." Further, it is not true that Philo combines inconsistent Peripatetic and Stoic elements in his definitions of the virtues. Philo's conception of moral progress is not inconsistent with Platonism. There is, however, more emphasis on the intellectual in Plato and more emphasis on the moral in Philo. There are traces of Platonic influence in the description of each of the three types of virtue.

Protagoras 346 D and 351 D, cited on page 77, do not contain examples of *τὰ μέσα* in the sense of external goods, which are really in a mean between good and evil. We must also take exception to the statement on page 86 that the *μέση παιδεία* of Philo corresponds to the *διάνοια* of the divided line in *Republic* vi. In spite of the fact that it gives the mental discipline required and the taste for intellectual activity, as do the *ἐπιστήμαι* which fall under the *διάνοια*, we find no indication in Philo's discussions that he has the *διάνοια* in mind. And the list of subjects included is almost positive proof of the contrary: besides arithmetic, geometry, astronomy, and music, Philo mentions gymnastics, grammar, and rhetoric. Philo's treatment much more closely resembles the Stoic treatment of *τὰ ἐγκύκλια*; cf. Seneca *Epist. Mor.* 88. 28 with *De congressu* 147. The Stoic origin of this latter passage appears clearly in 149 where Philo says: *ταύτης* (i.e., *τῆς φιλοσοφίας*) γὰρ ἴδιον ἐξετάζειν, τί σύνδεσμος, τί ὄνομα, τί ῥῆμα, etc.; cf. Seneca's protest against the inclusion of this subject in philosophy in *Epist. Mor.* 88. 42.

In chapter vi Billings gives examples of the influence of Plato on the phraseology of Philo, especially reminiscences of well-known Platonic figures. In the great majority of the cases cited there can be no doubt of this influence.

Dr. Billings has successfully vindicated Philo's right to be called a Platonist, even though we are not in every case convinced of the essential agree-

ment of his thought with Plato's. We may perhaps wish that he had chosen to devote more consideration to Philo's place in the history of Platonic interpretation.

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De Ciceronis Libro Consolationis Scripsit Iacobus Van Wageningen.

Groningae: Heredes P. Noordhoff, 1916. M. 3.50.

The universal mourning by which he was surrounded led the author's thoughts to Cicero's lost *Consolatio*. He believes that the chief and virtually the only source of this was Crantor's essay *de luctu*. This document in turn he thinks can be recovered by comparing the order of treatment of the parts of the various consolations that have come down to us, particularly parts of the Tusculans and Ps.-Plutarch, *Consolatio ad Apollonium*. In these and other similar works he finds an order of treatment so similar that he concludes that all of them come from the single source. He therefore analyzes the *Consolatio ad Apollonium* into the following parts: (a) "*Exordium*"; (b) "*De vita*"; (c) "*De morte*"; (d) "*De immortalitate animi*." The salient parts of the text are given in one column and parallel to these, passages from the Tusculans, Ambrosius *de excessu fratris liber* II, Hieronymus Epistle lx, and similar documents. The result is the reconstructed *Consolatio* of Cicero, with many additional fragments. It reads very much as we might expect certain parts of the real *Consolatio* to read.

But several grounds for suspension of judgment at once appear. First, the process of reconstruction is too simple. Second, we have no real assurance that Cicero followed Crantor as closely as Plutarch is assumed by the author (following Pohlenz) to have done. Pliny (*N.H.* pref. 22) quotes from the *Consolatio* the words "*Crantorem sequor*" and the statement is echoed by Hieronymus (Ep. lx. 5; Migne i. 592). This statement must be read in the light of *De off.* ii. 60: "*Panaetius, quem multum in his libris secutus sum, non interpretatus,*" and *De off.* iii. 7: "*Panaetius quem . . . secuti sumus.*" The use of *sequor* does not then imply any unwavering adherence to the source. Compare also *Ad. Att.* xii. 21. 5; xii. 14. 3; *Tusc.* iii. 76. When Cicero's eclecticism is taken into consideration, it seems dangerous to think that any particular idea can be traced to any particular source so easily and certainly. Third, Crantor was only one of many philosophers and rhetoricians who said practically the same thing in practically the same way. Consolatory literature is a mass of commonplaces that inevitably linked themselves together in natural groupings. Thus it becomes almost impossible to say that one passage is certainly the source of another. The consolatory topics were part of the common stock, and generations of philosophers and rhetoricians had handled and rehandled them, so that the natural order of treatment and the natural selection of ideas had become

also the conventional order and selection. It is therefore again dangerous to infer that similarity of form of expression or order is proof of relationship. Fourth, this customary order (followed, according to the author, by Plutarch) required that *exempla* follow *praecepta*, and this was the doctrine of the schools. But the scheme of arrangement requires now that a long list of *exempla* (*Tusc.* i. 113-14, 115, 116) fall into division (c) "*De morte.*" Cicero (*Tusc.* i. 112) expressly describes this section as an *epilogus rhetorum*, and this is confirmed by Seneca (*Cons. ad Marc.* 2. 1). Such a dislocation is sufficient to shake our confidence.

This reconstructed *Consolatio* is plausible as to contents, less so as to arrangement, and still less so as to spirit. It is far too artificial and impersonal.

The author reveals a thorough mastery of the material and much ingenuity in treatment and interpretation. I wish his purpose had allowed him to study the spurious document which goes under Cicero's name (see my *Pseudo-Ciceronian Consolatio*). He has given us, as he hopes, an "*imago, quamvis non expressa, at tamen adumbrata, Consolationis Tullianae.*" That he could do no more is the fault of the material rather than of the author.

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Libanii Opera. Recensuit RICHARDUS FOERSTER. Vol. X, Epistulae 1-839. Leipzig: Teubner, 1921. Pp. 761.

In 1914 Foerster published Volume VIII of his edition of Libanius. In spite of the interruption of the war he has practically completed the three final volumes and in his brief preface to Volume X he promises that Volume IX shall appear *sine mora*. For that volume he reserves his *Prolegomena* to the *Letters* and all discussion of the MSS and previous editions and commentaries. The present volume contains the first instalment of the *Letters* and a *conspectus siglorum* for the MSS, editions, and commentaries cited. Not until Volume IX with the *Prolegomena* is accessible will it be possible to give any account of Foerster's text or of his use of Sievers, or of Seeck whose work *Die Briefe des Libanius*, published in 1906, in some respects superseded and in others supplemented Sievers as a biographical handbook for the sophists and officials of the fourth century A.D. Volume XI, which is in the press, will contain the remainder of the *Letters*, the *Apocrypha*, and certain pieces which are, says Foerster, the work of Choricus of Gaza, though they have come down to us under the name of Libanius. Foerster gives Wolf's numbering of the *Letters* in the margin of his edition, his own arrangement being independent of Wolf after *Letter* 218.

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